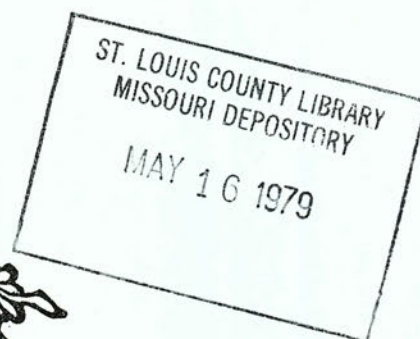
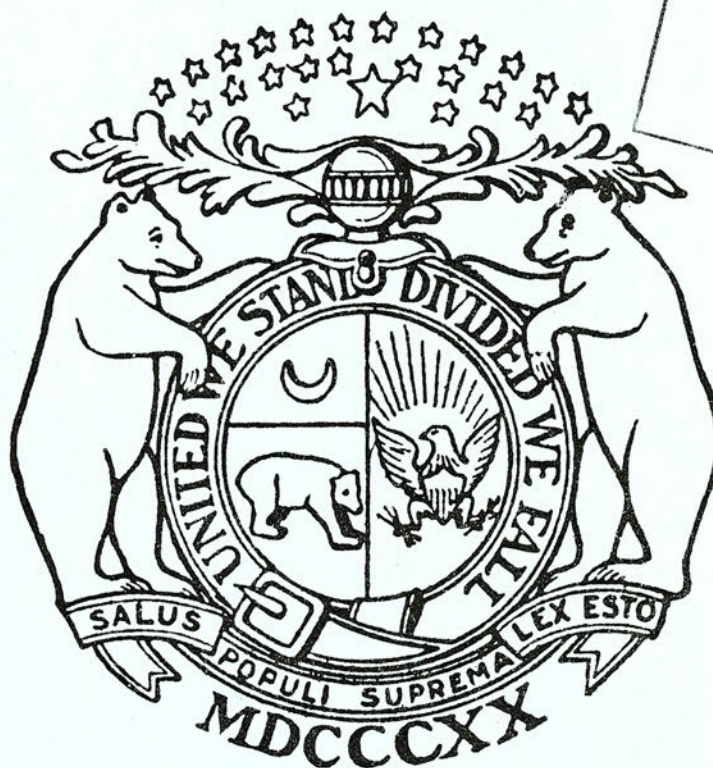


MISSOURI GENERAL ASSEMBLY



**Justice for Children: The Interim Report
of the
Judiciary Subcommittees on Juvenile Justice
March, 1979**

Justice for Children: The Interim Report of the Judiciary Subcommittees on Juvenile Justice

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**JUDICIARY SUBCOMMITTEES
ON JUVENILE JUSTICE**

Room 501, State Capitol
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March 7, 1979

The Honorable Kenneth J. Rothman
Speaker of the House of Representatives
Missouri General Assembly

The Honorable Norman L. Merrell
President Pro Tem of the Senate
Missouri General Assembly

Dear Sirs:

We respectfully submit to you the interim report of the House and Senate Judiciary Subcommittees on Juvenile Justice. Included in the report are descriptions of Missouri's juvenile justice system and laws, and a discussion of some of the problems that were called to the attention of the committee at our hearings. The committee will offer recommendations addressing many of the problems discussed in this report.

Improvement of Missouri's services for youth requires the informed participation and cooperation not only of the state and local governments, but of the general public as well. Through the dissemination of this report, we hope to make available to all members of the General Assembly the information and knowledge necessary to be responsive to the needs of youth. No subject is more worthy of our attention.

We wish to thank the witnesses who testified at the subcommittee hearings, and all those who generously gave of their time and effort to the work of the subcommittees. We invite your continued interest and assistance.

Sincerely,

Senator Marvin L. Dinger

A handwritten signature of Marvin L. Dinger in dark ink, written over a circular stamp.
Chairman, Senate Subcommittee

Representative Gary L. Smith

A handwritten signature of Gary L. Smith in dark ink, written over a circular stamp.
Chairman, House Subcommittee

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CHAPTER I. INTRODUCTION

Subcommittee Structure and Purposes

The Judiciary Subcommittees on Juvenile Justice consist of four members of the Senate Judiciary Committee and four members of the House Judiciary Committee. These subcommittees were appointed in the summer of 1978 to direct a review of Missouri's laws and programs relating to children. The leadership of the Missouri General Assembly and the chairmen of the Judiciary Committees recognize the importance of the legislature in making juvenile justice policy and have given the subcommittees the task of collecting and analyzing information with respect to the juvenile justice system, providing a forum for discussion of the issues, and developing alternative policies and legislative recommendations. The subcommittees first met on August 31, 1978 in Jefferson City and agreed to meet and work jointly to conduct this review of juvenile justice.

During the fall of 1978 public hearings were held in Kansas City, Cape Girardeau, St. Louis, and Springfield. Because the committee wanted to conduct a comprehensive review of Missouri's juvenile justice system rather than to limit consideration to specific issues, it sought comments from a range of interested persons on a variety of topics. Specifically, the committee invited testimony from interested organizations, schools, the judiciary, law enforcement agencies, and juvenile justice professionals. Testimony was invited on Missouri's juvenile code, problems, issues of concern, or criticisms of practices in the juvenile system, and suggested solutions or policy changes. Witnesses who testified at each of these legislative hearings are listed in Appendix A.

In addition to conducting these public hearings, the subcommittees also participated in meetings of interested organizations, met with juvenile justice professionals, and encouraged members of the Missouri General Assembly to submit their views on problems and solutions in the field of juvenile justice. Information was also gathered by staff interviews and correspondence with juvenile justice personnel across the state. A list of interviewees and persons and groups who submitted statements to the subcommittees is presented in Appendix B.

The committee is assisted by two staff members through the legislature's participation in the "Model Committee Staff Project in Juvenile Justice", a program sponsored by LEGIS 50/The Center for Legislative Improvement in Denver, Colorado. The project is also being conducted in Oklahoma, Illinois, Arizona, and Louisiana.

Juvenile Justice in Missouri: An Overview

Juvenile courts were first established in Missouri in 1903 for counties with populations of 150,000 or more inhabitants. Subsequently, juvenile courts were established in all the counties, and juvenile court law has developed into a complete law in itself.¹ Missouri's present juvenile code was enacted in 1957 and is based on the concept of parens patriae, that the juvenile court acts in place of the parents in the best interests of the child to help and rehabilitate rather than to punish. The purpose of the juvenile code is to provide care, guidance, and control as nearly as possible to that which should have been provided by the parents.² Missouri's juvenile code is applicable to children under the age of seventeen. In some instances, however, "continuing jurisdiction" may be exercised up to the age of 21, if the court had jurisdiction before the child reached the age of 17, or if the child is charged with having committed delinquent acts prior to the seventeenth birthday.

There are three basic categories of children who may be the subject of juvenile court proceedings. Dependent and neglected or abused children are not charged with misconduct or offenses, but may need court involvement so that assistance may be provided for placement in another home, or for termination of parental rights, if necessary. Status offenders are children who have engaged in conduct which would not be prohibited if committed by an adult. Usually they are charged with such acts as running away from home, being truant at school, refusing to obey parents, or other acts believed to be, in the language of the statute, "behavior, environment, or associations are injurious to his welfare or to the welfare of others." Finally, there are the law violators, or delinquents, who have violated a state or municipal law or ordinance.

Children are referred to the juvenile court in a variety of ways. A parent, relative, school authority, social worker or a shopkeeper may refer the child to the court. Or the child may be taken in custody by a law enforcement officer or a juvenile officer. A child taken into custody is to be immediately referred to the juvenile court.

After referral the juvenile court may dispose of or adjust the case in an informal manner, or it may file a petition to have the child adjudicated as neglected, a status offender, or a law violator.

If the court finds that a child is not a proper subject for the juvenile justice system, it may certify the child to permit trial and sentence as an adult. This procedure is available for children over fourteen years of age who have committed an act which would be a felony if committed by an adult.

Prior to filing the petition and adjudication, the court may release the child to his parent or guardian, or it may order the child held in detention. A child may also be held in detention for a period up to 48 hours without an order of the court. Some circuits have detention facilities specifically for juveniles; in the smaller circuits children are usually held in county jails. After adjudication the court by its order of disposition may order the child returned to parent or relative, place the child in a foster home, order the performance of psychological or medical tests, or it may place the child in an agency or institution authorized to care for children. All sentences of the juvenile court are indeterminate and may not last beyond the 21st birthday.

In 1976 the Supreme Court of Missouri adopted rules of practice and procedure in juvenile courts, pursuant to its constitutional authority to prescribe court procedures. The rules are generally consistent with the statutes but specify procedures with greater particularity. The rules provide for a detention hearing to determine the appropriateness of detention at the request of the juvenile or his custodian or attorney. The petition must be filed within seven days of taking a child into detention; if it is not filed, he must be released. The informal adjustment conference is described in some detail, and the child has the right to be represented by counsel at the conference. At the adjudication hearing, acts which would be crimes if committed by an adult must be proved beyond a reasonable doubt.

Judges of the juvenile courts in Missouri are circuit judges; in each judicial circuit having more than one judge, a separate juvenile division is to be established. Judges in Kansas City and St. Louis City and County are assisted by commissioners. There are 43 judicial circuits in Missouri, varying in population and size, and consisting of from one to five counties. Each judge of the juvenile court appoints a juvenile officer, and one or more deputy juvenile officers may be appointed. The staffing levels vary in the circuits; large metropolitan circuits may have a legal division and social workers, while the rural circuits are sometimes staffed by one part-time juvenile officer.

A number of state agencies have responsibility for juvenile matters. Most important is the Division of Youth Services in the Department of Social Services, created in 1975. The division is to develop and administer a comprehensive program of youth services, including collection of statistics and information, evaluating the effectiveness of delinquency prevention and rehabilitation programs, and preparation of

a master plan for delinquency prevention and control. The division operates an institution for boys at Boonville, an institution for girls at Chillicothe, and a number of forestry camps and group homes. The Division of Youth Services provides services to both status offenders and delinquents.

Services for dependent, neglected and abused children are the responsibility of the Division of Family Services, which administers the aid to dependent children program, foster care payments to homeless, dependent and neglected children, operates the child abuse hot line, and licenses child care facilities and child placing agencies. The Department of Mental Health provides psychological and psychiatric testing and evaluation through its facilities throughout the state and inpatient and outpatient treatment for juveniles committed to it for care. The department also provides services to mentally retarded and developmentally disabled juveniles.

The salaries of all the juvenile officers are now paid out of the state treasury up to an amount of \$17,500 annually. The salaries of deputy juvenile officers, although set by statute, are paid out of city or county funds. In all circuits having a population of more than 75,000, public defenders are provided and their salaries paid by the state. Public defenders are now permitted to represent juveniles charged with delinquent acts.³ Finally, all circuit judges, and juvenile court commissioners, are paid from the state treasury.

Programs for juveniles administered by the state agencies are financed through a combination of state and federal funds. The Division of Youth Services' budget for fiscal year 1979 is in excess of thirteen million dollars. Approximately 9.8 million is allocated for residential services, which includes the operation of institutions, park camps, and group homes, and expenses for providing education and rehabilitation to youths committed to DYS. Another 2.4 million, seventy percent of which comes from federal sources, has been provided for the purchase of nonresidential services and aftercare.

The Division of Family Services, the largest division within the Department of Social Services, is in charge of income maintenance programs, many of which involve children. The total budget for the division for fiscal year 1979 is about one half billion. Aid to dependent children payments on behalf of children whose parents are dead, disabled or absent from the home account for 143 million, over sixty

percent of which is federally funded. Another 5.8 million was earmarked for foster care payments for children who were placed in foster homes by the Division of Family Services, by juvenile courts of first class counties, or the St. Louis County Children's Agency. The Division of Family Services also operates facilities for residential treatment of dependent and neglected children, and had a budget of 6.3 million dollars in fiscal year 1979 for that purpose.

CHAPTER 2. PREVENTION AND DIVERSION

Prevention

Delinquency prevention¹ is the legal responsibility of the Division of Youth Services. However, since 1975 when this task was added, the division has not implemented a statewide delinquency prevention effort. Instead it has expended its resources to provide services to juveniles committed to it for care and treatment. The role of the DYS is limited to the formation of community crime prevention groups in some areas of the state. No state funds have been expended by the division for community crime prevention programs. Such a limited role of the state is intended to ensure that crime prevention efforts will be based on the needs of the community and not subject to what the division decides is necessary or appropriate.

The importance of crime prevention efforts was emphasized by several who testified before the Judiciary Subcommittees on Juvenile Justice. One witness felt that state and local efforts to correct behavior are focused on the wrong end of the spectrum - on corrections rather than prevention.² Delinquency prevention programs recommended to the committee called for an expanded role for teachers, schools, and juvenile officers. It was suggested that teachers be trained to identify children at a very early age who are "pre-delinquent". This term refers to a child who "acts out", is disruptive in the classroom, is out of control, or exhibits behavior symptomatic of home problems. Under this program, teachers would refer pre-delinquents to juvenile court or a juvenile officer and families could be drawn in on the problem at an early stage, but only on a voluntary basis. One version of this program called for juvenile officers to be placed in the schools to deal with juveniles who are disruptive or truant. Juvenile officers would refer youth to community services such as mental health counseling centers or the Division of Family Services, a task not usually performed by school counselors.³ Intervention at this early stage could prevent a juvenile's situation from deteriorating to the point where official court intervention would be necessary.

Emphasis in deterring crime should begin at an earlier age was one opinion expressed to the committee. Most programs serve juveniles between the ages of 14 and 18, and very few programs

work with pre-school and primary grade children according to this witness who felt that younger children should be taught constructive ways of coping with their problem.

Diversion

The term "diversion", which was coined in the President's Commission Task Force Report of 1967, has been used to describe a range of activities both by juvenile courts, and by agencies outside juvenile courts, (e.g., law enforcement agencies, and programs whose operation is independent of courts and law enforcement agencies). The concept of diversion grew out of labeling theory, which contends that contact with the juvenile justice system is stigmatizing and harmful. Accordingly, diversion, or the "end to further processing by the juvenile justice system", is intended to result in less stigma for a juvenile. In contrast to the original concept, diversion programs are operated so that they attempt to minimize penetration into the juvenile justice system. This version of the diversion concept is based on the belief that each level of processing is increasingly harmful to the juvenile. The benefit of diversion of juveniles from the juvenile courts was questioned by a recent study. It demonstrated that although some diversion programs minimize penetration and some end further processing by the juvenile courts, and are less formal than adjudicatory steps, still they label the child. Some argue that the purpose of diverting youth, to avoid the stigma of labeling, actually achieves the same effect, labeling.

Most diversion projects only counsel and refer to appropriate social service programs, and do not offer direct services. Entry into a diversion program is voluntary, although continued participation is sometimes required in order to avoid having a petition filed. Some programs require admission of responsibility for the act which brought the juvenile to the attention of the juvenile court.

Although the goal of diversion projects is to direct juveniles from the court, most projects in Missouri are part of a juvenile court or are administered by them. Some believe that court-administered or operated diversion programs may merely formalize the practice of juvenile courts screening out juveniles involved in non-serious offenses through either release or informal adjustment.

The committee heard both favorable and unfavorable remarks about the value of diversion programs. Some felt they provide a means of siphoning status offenders from juvenile court, but one witness cautioned that court diversion programs, "don't really create alternatives - what they do is create first stop-houses. . ."

for status offenders.⁶ Fred McDaniel, former director of the Division of Youth Services, stated that status offender diversion programs in Missouri have resulted in more status offenders being committed to the division.⁷ He attributed this increase to the use of a large proportion of federal funds that Missouri receives under the Juvenile Justice and Delinquency Prevention Act.⁸ The Missouri Council on Criminal Justice has dispensed over 1.5 million dollars in this state, much of which is to start projects to divert status offenders. According to McDaniel, three years ago 69 status offenders were committed to the Division of Youth Services, and after the 1½ million dollars was pumped into the state, 140 status offenders were committed to its care last year, a number representing about 17% of total commitments. He felt that in some cases diversion programs have the effect of increasing the number of juveniles who are eventually referred to the juvenile court, a phenomenon known as "widening the net".

The Juvenile Court and the Schools

The role of the public schools in juvenile delinquency prevention was discussed at the hearings in some detail, particularly court-school coordination, and suspension and expulsion policies. Under Missouri law, pupils may be suspended or expelled "for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils."⁹ A principal is permitted to suspend for up to 10 days, a superintendent for up to 30 days; only the board of education can expel a student.¹⁰ Notice and right to be heard are provided for, as required by the United States Supreme Court decision.¹¹ The decision to suspend or expel a student is within the discretion of the school authorities, and judicial review is limited to determining whether the correct procedures were used.

The subcommittees were told by some of the witnesses that schools make too great a use of suspension and expulsion as solutions to disciplinary problems. Children who have been suspended from school are often without supervision and frequently commit delinquent acts. Speakers representing the schools replied that the primary responsibility of the schools is to provide an education, rather than to act in the role of disciplinarian; suspension may be necessary to preserve an atmosphere in which the majority of children can obtain an education. Suspensions, the subcommittees were told, are rarely¹² used in most districts and expulsions are almost never used.

A suggested solution to the problem was alternative classrooms or in-school suspension. Under these programs children who are having disciplinary problems or have difficulty coping in the

mainstream classrooms are sent to special programs, often the hours are shortened, and vocational skills rather than the usual academic curriculum are taught. The larger urban schools reported some success with the programs.¹³ However, in the rural areas the number of children able to benefit from such special programs might be prohibitively few.

A number of witnesses commented on the frequency with which school adjustment problems and truancy predict subsequent delinquency. If counseling and other assistance were available to the child and his family at this early stage, it was argued, rehabilitation might be possible.¹⁴ To accomplish this, more effective school - juvenile court coordination was recommended.

A number of existing programs in Missouri are directed towards achieving better coordination between court and schools. Court-school coordinator programs, involving the assignment of a juvenile court worker to a specific school or schools, are designed to assist in preventing delinquency through early detection of children with high absentee rates and other behavioral problems, and to provide counseling and, if necessary, referral to a social agency. Referral to the juvenile court is used only as a last resort. There appear to be no legal obstacles in Missouri to agreements between courts and schools to participate in such programs.

These programs, sometimes seen as responses to increased school violence, vandalism, and disciplinary problems, are usually federally funded. In Missouri, a number of such programs are currently funded through Law Enforcement Assistance Administration grants, distributed by the Missouri Council on Criminal Justice.¹⁵

CHAPTER 3. ENTRY INTO THE JUVENILE JUSTICE SYSTEM

Juvenile Court Structure and Personnel

Circuit judges serve on the juvenile court in Missouri, and in judicial and domestic relations division.¹ The various circuits design their own schedules for assignment of judges to the juvenile court; typically a judge will serve in the juvenile division for a period from six months to several years.

In the larger metropolitan circuits the judge of the juvenile court devotes all of his time to juvenile matters. In most of the circuits, however, juvenile matters are heard on one specified day of the week. Some of the witnesses said that not enough time is available for juvenile matters. More extensive use of attorneys and the procedural devices permitted under the Supreme Court rules, such as detention hearings may make even greater demands on judicial time.² But, other witnesses said that in their circuits a fulltime juvenile judge would not be busy.³ The Court Reform and Revision Act of 1978 may provide some relief to counties in need of more judicial time for juvenile matters. The act permits the newly created associate circuit judges in counties having a population less than 70,000 to hear juvenile cases.

In Kansas City and St. Louis County two commissioners may be appointed to assist the juvenile judges; in St. Louis one such commissioner is permitted. The commissioners may hear cases in the same manner as the judges, but the juvenile or his custodian or attorney has a right to request a rehearing before the judge. If this were done in every case the usefulness of the commissioners would be greatly reduced. Witnesses from Kansas City and St. Louis County recommended that the law be changed to permit the judge to grant a rehearing at his discretion.⁴

In addition to a judge of the juvenile court, each of the judicial circuits may also utilize one or more deputy juvenile officers. The salaries of these officers are paid from county funds with the exception of the juvenile officer, whose salary is paid by the state.⁵ The maximum salaries payable to the juvenile officer and his deputies are also prescribed by statute. This arrangement was criticized as not permitting sufficient flexibility to meet such exigencies as needed cost of living adjustments.⁶

The juvenile officer works under the direction of the court, and is authorized to make investigations and prepare reports, hold children in custody upon court order, and to make arrests.⁷ The appointment and supervision of juvenile officers by the judge was criticized as creating too close a relationship between the person who files a petition on behalf of a juvenile (the officer) and the person who rules on the petition at a hearing (the judge), thus impairing fairness and impartiality.⁸ A juvenile judge stated that he is often consulted by the juvenile officers as to the form and sufficiency of the petition. He saw this as inconsistent with his subsequent role of deciding the merits of the petition and suggested that the juvenile officers should be provided access to legal counsel, a service which is not now available in most circuits.⁹ A petition filed in the interest of a juvenile must state the facts which bring the juvenile within the jurisdiction of the juvenile court. Specifically, Supreme Court Rule 114.01 states that the petition must include the date, place and manner of the acts alleged and the law or standard of conduct, if any, allegedly violated by the acts.

The qualifications and training of juvenile officers were also commented on at the hearings. It was recommended that the entry requirements be strengthened, and that training be provided to insure uniform procedures and trained personnel throughout the state. However, the committee was also cautioned against unnecessarily restricting the number of available candidates by imposing unduly stringent entry qualifications.¹⁰ The law as it now is requires a college degree in one of the social sciences or four years of experience for beginning juvenile officers. There are no requirements for deputy juvenile officers.

Some witnesses suggested there are conflicts between the juvenile officer's role as a counselor and his role as the person who files a petition to have the child adjudicated delinquent. A degree of trust and confidence is necessary for successful counseling. If information gained during counseling is subsequently used in a way adverse to the child, questions of fairness are raised.¹¹

Intake

A juvenile may be referred to the juvenile court by his parents or relatives, a social worker, school principal, a shop owner, or by a juvenile officer or other law enforcement officer. After referral to the court, court personnel

make a preliminary inquiry into the facts of the case. The case may then be disposed of by informal adjustment or a petition may be filed to adjudicate the child as delinquent or dependent and neglected.¹²

Under Missouri law, a juvenile officer or law enforcement officer may take a juvenile into custody when he finds him to come within one of three broad jurisdictional categories specified in the juvenile code, usually referred to as law violators, status offenders, or neglected children.¹³ The statutes do not state the degree of factual certainty necessary to permit a taking into custody, or whether probable cause is the applicable standard. The rules of the Supreme Court state that a juvenile may be taken into custody pursuant to the laws of arrest applicable to adults or if there are reasonable grounds to believe the child's removal from the home is necessary.¹⁴ The taking into custody is not considered an arrest.¹⁵

Specialized training for law enforcement officers assigned to juvenile duty may be needed to enable them to properly perform their duties responding to and recognizing cases of abuse and neglect is of particular importance since enactment of the child abuse reporting act and the new criminal code, which makes child abuse a felony. The subcommittee has been urged to recommend mandatory training and certification requirements for police officers assigned to juvenile duty.¹⁶

Juvenile Court Jurisdiction and Venue

Juvenile courts in most states handle a wide variety of cases ranging from those involving homeless children to the serious law violator. The juvenile codes were designed to permit the court a great deal of discretion so that it might act in the best interests of all children in need of support, guidance or rehabilitation. However, during the last decade this broad jurisdictional base has come under criticism as arbitrary and overinclusive. The controversy has come to Missouri, and the subcommittees received numerous and divergent recommendations on this subject.

Missouri's juvenile code gives the juvenile court jurisdiction over three broad categories of youths:
(1) dependent and neglected children; (2) juveniles whose behavior, environment, or associations are alleged to be harmful either to their welfare or the welfare of others;

these juveniles are usually referred to as status offenders, and they are runaways, truants, children who will not obey their parents, or children charged with some other act that would not be an offense if committed by an adult; and (3) juveniles who have violated the law, including traffic offenders.

The age limit for juvenile court jurisdiction is set at 17. However, if the court obtains jurisdiction over the child prior to his 17th birthday, or if it is alleged that an act was committed before the child's 17th birthday, the court may retain jurisdiction up to the age of 21. Many states have minimum ages, usually set at age 10, at which a delinquency proceeding may be brought. Missouri's laws do not specify such a minimum jurisdictional age.

Probably no issue in the field of juvenile justice has generated more controversy than the role of the juvenile court with respect to status offenders. Those in favor of removing court jurisdiction over status offenders argue that court intervention is a costly and ineffective way of dealing with troubled youngsters. Labeling a child as delinquent for non-criminal behavior, it is argued, creates a negative self-image for the child which may lead to more serious misbehavior. Status offenders are mixed with children who are lawbreakers, in detention and after disposition, with the resulting opportunity to learn criminal attitudes and skills. Parents, it is argued, should resolve disciplinary problems at home rather than looking to the juvenile court for a solution. The availability of the juvenile court encourages family and community institutions to shirk their problems.¹⁷ Some witnesses contended that it is impossible for the juvenile court to simultaneously deal with the problems of neglected children, status offenders, and delinquent children; to do so would require a professional staff of psychologists, counselors, and others. If the courts were relieved of the burden of treating wayward and disobedient children, it would have more time left over to investigate and deal with serious cases of delinquency and neglect.¹⁸ Running away from home, incorrigibility and other status offender behavior is usually out-grown in a few years, the subcommittees were told, and there is no evidence that court intervention is helpful.¹⁹ Some also said it is wrong to involve children in court supervision for acts which are permitted for adults.

Proponents of retaining court jurisdiction stated that many status offenders are seriously disturbed and disruptive children, and need the control and supervision that only a court can provide.²⁰ Status offenders are often more difficult to handle than delinquents, and it may be the delinquents who are learning undesirable behavior from status offenders, rather than the other way around. In many instances, no

sharp distinction can be drawn between the two groups, and many status offenders also commit delinquent acts. If status offenses were no longer a reason for juvenile court intervention, it would be necessary to allege and prove a law violation in order to provide services to a youth who is badly in need of help.²¹ Removal of status offender jurisdiction would create a situation where no agency could intervene in instances such as providing temporary detention for runaways or enforcing school attendance. Creating a new social service agency to handle status offenders would be costly, and there is no guarantee that it would be more effective than the courts.

There are intermediate positions between these two opposing viewpoints, on which there was greater agreement. Juvenile courts need a greater variety of alternatives to detention and incarceration. Mental health centers are needed to provide diagnosis and counseling. Runaway shelters should be maintained for youths who need temporary refuge from unacceptable home conditions. Schools should make less use of suspension and provide alternative programs when possible for students unable to adapt. One witness suggested that the juvenile court should not be permitted to take a status offense case, unless there was a showing that the child and his parents had exhausted all other resources available to them in the community.²²

The role of the juvenile court with respect to traffic offenders was the subject of some comment at the hearings. In Missouri juvenile traffic offenders, including licensed drivers between the ages of sixteen and seventeen, do not pay fines or receive an assessment of points as do adult drivers. Instead, they are referred to juvenile court, where a variety of sanctions are imposed. Temporary revocation of the driver's license is the most common penalty. Traffic cases comprise a substantial part of the juvenile court's caseload.

Drivers over the age of sixteen, it has been argued, are sufficiently mature to be entrusted with a motor vehicle and should also be subject to the same penalties for traffic violations as are adults. Under the present law a juvenile's traffic record is not available even for determining insurance rates. Removal of traffic offenses would make more of the court's time available for other matters. One juvenile judge who testified before the subcommittees said he does not oppose sending traffic offenders to the adult courts, particularly in view of judicial reorganization effective in January of 1969, which places municipal judges and associate judges under the supervision of the presiding circuit judge.²³ Other

witnesses were in favor of keeping youthful traffic offenders in the juvenile courts, arguing that the sanctions imposed by the juvenile judge such as restrictions on driving were more effective than fines, which may be paid by the parents.²⁴

Most of the states surrounding Missouri provide for juvenile court jurisdiction up to the age of 18 rather than Missouri's age limit of 17. This creates an occasional problem when a juvenile from one of those states enters Missouri and our courts are unable to cooperate with the court in the neighboring state in supervising the juvenile because of the lack of jurisdiction. Most witnesses before the committee opposed raising the age limit, citing the greatly increased caseload which would then confront the court. Also, it was suggested that youths over the age of 17 begin to take on the characteristics of adults and may no longer be suitable subjects for the juvenile court.²⁵

A more specific problem exists with respect to dependent and neglected children over the age of 17. Section 211.031, as noted, provides for juvenile court jurisdiction over children under seventeen years of age. Several other statutes in the code set different age limits for services to children. For example, the child abuse reporting law covers children up to the age of 18 and directs the Division of Family Services to provide protective social services for such children. The Division of Family Services is authorized to accept for social services and care children up to the age of eighteen, if "legal custody is vested in the Division of Family Services."²⁶ Because the juvenile court has no jurisdiction over children over the age of seventeen, it cannot transfer custody of homeless, neglected or dependent children to the Division of Family Services resulting in the child being denied the benefit of counseling, medical services or foster care which could be paid for by the parents if the court so ordered, or by the Division of Family Services. A few witnesses recommended raising the jurisdictional age over neglected and dependent children to the age of 18, to make possible the delivery of services to such children.²⁷

While many of the proposals for reform would narrow the scope of juvenile court jurisdiction, the subcommittee heard at least one recommendation which would increase the number of parties before the court. It was suggested that the juvenile court be expanded to a family court. The parents in many instances need assistance or counseling as much as do the children; for every incorrigible child, there is usually at least one incorrigible parent.²⁸

Under the present system the parents can refer their children to the juvenile court while refusing to deal with their own problems. Some form of court jurisdiction over the parents is needed, the subcommittees were told, to require parents to participate in counseling or other needed adjustment, particularly in cases of sexual abuse, or other forms of abuse.²⁹

Waiver of Juvenile Court Jurisdiction

The juvenile codes of nearly all the states have provisions for waiving jurisdiction or for certifying juveniles as adults. These provisions serve as a mechanism for transferring juveniles to the criminal courts where they are subject to trial in adult criminal courts and placement in adult institutions. In Missouri a juvenile court may waive its original and exclusive jurisdiction and allow prosecution under the general law in cases in which a juvenile between the ages of fourteen and seventeen is charged with an act which would be a felony if committed by an adult, and in which there is a finding by the court that the juvenile "is not a proper subject to be dealt with" under the juvenile code.

There were a few criticisms of this provision. One observer suggested that the desirability of certifying a juvenile to adult court may in part depend upon the facts of the case and the likelihood of a conviction should the juvenile stand trial in the adult courts. But the juvenile court is not permitted to engage in such inquiry.³⁰ Another witness testified that once it is determined that the juvenile is not a fit subject for the juvenile court, and jurisdiction is waived, the juvenile should then go to adult court for all subsequent offenses, without the necessity of additional certification proceedings.³¹ The procedures for appellate review of a judge's decision to certify as an adult were criticized as denying effective review.³² The decision to certify is an interlocutory decree, from which no appeal is allowed except through a writ of prohibition - a method which is seldom successful.

Detention

Detention is usually defined as the practice of holding a child pending adjudication for the purpose of insuring the child's attendance at the hearing, for protecting the child or the community, or for providing a temporary refuge for the child when no other suitable place is available. The circumstances under which a child may be placed

in detention, the places of confinement, and the length of confinement were subjects of concern to many of the witnesses who spoke before the subcommittees.

Under Missouri law a court is authorized to detain juveniles in a detention home operated by the county, a privately operated detention facility, or in jails, provided the juveniles are kept apart from adults.³³ As a practical matter, the judge's options in choosing a place of detention are often limited by a lack of alternative facilities available to him. This is particularly true in the small, rural third and fourth class counties, where the detention facility is usually the county jail. Sometimes a particular cell in the jail is designated the "juvenile cell" and used exclusively for the detention of juveniles. However, there was testimony that the separation from adults as required by the statutes is often only partially achieved at best. The conditions in some of the jails were described as inhumane, and one witness alleged there was at least one case of malnutrition of a child held in a jail.³⁴ Practically all of the witnesses agreed that jails were inappropriate for the detention of children, particularly for status offenders and nonviolent youths. The constitutionality of confinement of juveniles in jails is the subject of a suit pending in federal court.³⁵

The solution to the problem presents greater difficulties. The construction of separate detention facilities in many of the smaller counties may not be feasible because of the cost involved, and the very small number of juveniles needing such facilities.³⁶ Several speakers urged the construction of regional detention facilities which would be shared by a cluster of counties or circuits.

Twenty-five percent of the federal money allocated to Missouri under the Juvenile Justice and Delinquency Prevention Act has been designated for the purpose of constructing regional detention centers. Some of the counties have been unable to produce the required match money, and it was suggested the state should help the counties in funding the construction of such facilities.³⁷ In addition to the financial hurdles, regional detention centers face difficult problems of securing the cooperation needed among the counties to construct and operate the facilities. First and second class counties in Missouri by statute must provide a place of detention for children; children may not be permitted any contact with arrested or convicted adults, and the "care of children in detention shall approximate as closely as possible the care of children in good homes".³⁸

However, a few of the second class counties have not yet constructed separate facilities, and in others the facilities were provided only in the last few years.³⁹

Under Missouri law, a child after being taken into custody may either be released to his custodian, or placed in detention after notice to the custodian and upon a court order specifying the reason for detention.⁴⁰ However, when no judge is available during weekends, holidays and nights, the child may be detained up to 48 hours without a court order.⁴¹ A petition must be filed in the interests of the child within seven days after the child is placed in detention; if it is not filed, the child must be released. The length of detention is usually brief. On the basis of testimony submitted to the subcommittees, it would appear that less than ten percent of the juveniles are held for longer than one week.⁴² However, there were some allegations that children are held, particularly in the rural circuits, for periods up to a month without any sort of hearing.⁴³ It is not the usual practice in Missouri to separate status offenders from delinquents in detention.⁴⁴

Under the Supreme Court of Missouri's rules of procedure, the court must hold a detention hearing within four days of the receipt of a written request from the juvenile or his custodian, unless the hearing is continued for good cause. Requests for such hearings are very seldom made either by the juvenile or his attorney.⁴⁵ The hearing when it is held was described as very brief, and directed toward ascertaining a suitable place of detention for the child, rather than being held to determine whether there is probable cause to hold the child. A few witnesses suggested that a hearing to determine probable cause to detain should be held, particularly in view of the lack of provisions for bail or release on recognizance for juveniles.⁴⁶

Representation by Counsel (Legal Assistance)

The only statutory provision in Missouri's laws for representation by counsel is the requirement that a juvenile shall be entitled to counsel at a hearing to determine whether he will be committed to the Division of Youth Services.⁴⁷ The United States Supreme Court has held that assistance of counsel is essential for waiver and delinquency proceedings.⁴⁸ Missouri's Supreme Court rules go even further, and state that all parties in juvenile court proceedings are entitled to representation by counsel.⁴⁹ A juvenile must be notified of his right to counsel upon admission to a detention facility and at the hearing upon the petition, and that counsel will be appointed for

him if he is unable to hire one.⁵⁰ Counsel may also be appointed to represent the parent or custodian if the parent requests the appointment, the parent is indigent, and a fair hearing requires the appointment of counsel.⁵¹

There was testimony that the public defenders in first class counties were unable to deal with the volume of cases.⁵² Others said that in some of the rural circuits appointments of guardians ad litem were seldom made, either for the child or for his parent.⁵³ There were a few complaints that access by juveniles was unduly restricted; only attorneys of record were permitted to consult with the juveniles, and the facilities provided in which to conduct counseling did not permit privacy.⁵⁴ Public defender groups questioned whether the waiver of right to counsel was based upon sufficient knowledge on the part of the juvenile, and suggested that indigency should be presumed.⁵⁵ Others were concerned that if all juveniles were provided with counsel as a matter of course, the appointment of additional counsel to represent parents and to assist the juvenile officers might be necessary.⁵⁶

In 1977 the statutes were amended to make public defenders available to juveniles charged with violations of law or delinquent behavior. One public defender appeared before the subcommittee to report that no use had been made of his office.⁵⁷

CHAPTER 4. ADJUDICATION AND DISPOSITION

A juvenile court in Missouri is not mandated to hold separate adjudicatory and dispositional hearings and juvenile courts, may at their discretion, hold formal hearings or informal hearings.¹ Juvenile court hearings are usually informal and attention is focused on the disposition of the case, or finding a remedy which is in the best interest of the child and at the same time mindful of society's right to protection.

Psychiatric and Psychological Evaluation

In determining what action to take a juvenile court often needs additional information about a juvenile's mental health or mental capacity. By statute, the courts are authorized to require a mental examination of any child within its jurisdiction and the result of such an examination may be given consideration in the disposition of the case.² To complete these evaluations, courts are authorized to appoint a psychiatrist or psychologist, and if approved by the court, expenses are paid by the county. Furthermore, Missouri's juvenile code permits courts to:

"....establish medical, psychiatric and other facilities,....to provide proper services for the court in the diagnosis and treatment of children coming before it and these facilities shall be under the administration and control of the juvenile court."

In addition, Missouri law states that the services of a state, county or municipally maintained hospital, institution or psychiatric clinic may be used.

Provision of psychiatric services or purchase of services by Missouri's juvenile courts varies according to the amount of funds available to each. In the major metropolitan circuits, Circuits 16, 21, and 22, each court has established its own psychological unit. In some circuits courts purchase psychological or psychiatric services from private practitioners and non-state community mental health centers on a case by case basis. However, since most juvenile courts do not have funds available, juvenile courts rely, to a large extent, on the services available from the Department of Mental Health (DMH). Courts may order parents who are financially able to pay the DMH for court-ordered diagnosis of their child. The DMH would assess charges based on a sliding fee scale.

Payment for services provided to juvenile courts by the DMH is in dispute. Juvenile courts contend that the county need not pay for services provided by the DMH, since the statute does not mandate payment by the county. However, the department takes a different posture, believing that counties should pay. Presently, the DMH's institutions and mental health facilities bill counties for diagnoses and evaluations that are ordered by a juvenile court. Reportedly, not many counties pay the DMH and little action is taken against those counties that do not pay for such services. It is believed that there is no incentive for DMH institutions to collect aggressively, since monies collected are deposited in the General Revenue Fund, and accordingly, each facility receives no direct financial benefit for collection.³

The availability and quality of diagnostic services provided by the DMH to the juvenile courts was the subject of much of the testimony received by the Judiciary Subcommittees on Juvenile Justice. In fact, at all the hearings, the DMH was criticized more than any other state agency. When considering the testimony from all the hearings and other comments made to the committee, the availability and quality of mental health services for youth ranked as one of the problems most frequently cited.

With regard to the availability of diagnostic services, it was stated that inpatient services were unavailable to juveniles, in some instances. One judge cited an instance where he could not get a juvenile who was suicidal into a state mental health facility, since the mental health facility claimed there was no available bedspace. In this case the juvenile who was being detained in the detention facility, was eventually accepted by the DMH, but only after it had been threatened with a charge of contempt of a court order.⁴ Another witness called to the attention of the committee the fact that the DMH significantly reduced the number of beds available for inpatient diagnosis of juveniles under juvenile court jurisdiction. In this case, the Western Missouri Mental Health facility reduced by half (from twenty to ten) the number of beds available for juveniles for evaluation, diagnosis, and short-term treatment.⁵ Instead, the facility would reserve bedspace for pre-adolescents.

The court's use of the DMH for performing evaluations varies by circuit. In circuits where the juvenile courts employ their own psychologists or contract for psychiatric evaluations, the role of the DMH is limited. Courts consult the DMH when considering a placement of the juvenile in the custody of the DMH. In these cases the DMH conducts a separate

evaluation using its own staff. One witness stated that this DMH evaluation typically finds that the juvenile is unsuitable for care or treatment that the DMH has to offer. Apparently, this occurs even when an independent psychiatrist's test results indicate that the juvenile should be placed under psychiatric care, in the DMH's custody.⁶ The result is that the DMH evaluation takes precedence over the court evaluation and the court will no longer consider placement in the custody of the DMH as a dispositional option for that juvenile.

Complaints were made about the timeliness of evaluation reports back to the court.⁷ One circuit judge cited an instance in which it took one and a half years before his court could get one written report of the evaluation performed by a branch office of a DMH facility.⁸ A juvenile officer stated that when his court sends a child to Western Missouri Mental Health Center, it takes two or three months to get an evaluation back.⁹

Other witnesses questioned the quality of the diagnostic services provided to juvenile courts by the DMH. For example, one witness, an experienced juvenile officer stated, "...we can almost predict the kind of evaluation we are going to get out of that system. Mostly it says the child needs to be in a structured environment".¹⁰ The term "structured environment" is often used as a euphemism for secure facility, and for most courts would indicate that commitment to the DYS would be the only alternative, especially since the DMH does not provide long-term treatment in a secure setting. It was also pointed out that evaluations should contain recommendations for the court's disposition, especially if the evaluation is written in psychiatric jargon not readily comprehensible by a layman.¹¹

Dispositions

After the court has made an adjudication that the child is either neglected, or his behavior or environment is injurious, or the child is a law violator, the court may prescribe one of a number of dispositions permitted under the juvenile code. These include placement of the child under supervision in his own home or that of a relative, commitment to a public or private agency authorized to care for children, medical or psychological diagnosis, or suspension of a driver's license. Any of these dispositions may be suspended and the child placed on probation under conditions prescribed by the court.

There seems to be some doubt as to whether the juvenile courts have the power to order that the child make restitution or perform community service. The juvenile courts are courts of limited jurisdiction and only have those powers specifically given to it by the legislature. The code was recently amended to permit suspended sentences with conditions of probation; apparently a judge could order restitution as one of the conditions of probation. However, there is still some uncertainty as to this, and it was recommended that the law be changed to specifically permit an order of restitution to the victims of the offense when feasible, or community service under some supervision selected by the court such as the police department or the municipality.¹²

In addition to holding the child responsible for the damage caused, some witnesses suggested that parental liability should be increased. Under Missouri law a parent may be liable up to the amount of three hundred dollars for acts of vandalism by a minor in their custody.¹³ It was recommended that this liability limit should be increased, and that injury to persons should also be included.¹⁴ There was testimony that imposing parental liability for school vandalism had been effective in reducing vandalism when it had been tried in Chicago.¹⁵

All commitments made by the juvenile court are for an indeterminate period of time and may not continue beyond the child's twenty-first birthday.¹⁶ Draft standards promulgated by the IJA/ABA recommend sentences with a specific time length, or determinate sentences. This position was opposed by some of the speakers at the hearing as an attempt to turn the juvenile courts into junior criminal courts.¹⁷

Judge Dean Whipple pointed out that the inability of the juvenile courts to commit beyond the age of 21 may present some problems when a child appears to be truly dangerous, as was the case when a 14-year old multiple murderer was charged in his court several years ago. Usually in such instances the juvenile will be certified to the adult courts which may impose longer sentences. However, if the child lacked the mental capacity to be certified and stand trial as an adult, no disposition beyond the age of 21 would be available.

Availability of Alternative Placements and Community Services

Although the dispositions available to a court are limitless in theory, as a practical matter, a judge is often limited by the lack of available facilities or programs

in his area. Some of the larger urban courts expressed satisfaction with the range of dispositions available to them, but the rural areas are not as fortunate.¹⁸

Services, such as counseling, job training, education, or alternative living situations, such as foster or group homes, or private institutions, are often selected as part of the disposition based more on their availability than on their quality or appropriateness. For example, witnesses cited the inappropriateness of commitment of some juveniles to the Division of Youth Services, when the juvenile could not remain in the home, but no alternative living situation could be arranged.

There are specific groups of children for whom community services generally are unavailable or inadequate. For example, an adolescent who is involved in "acting out", or in antisocial, antifamily, aggressive, or abrasive behavior, is at a disadvantage according to testimony from one witness. Specifically, foster homes are not available for status offenders. These children pose very special problems and as a result, typical foster parents are not adequate to provide care, unless trained to deal with children exhibiting such behavioral difficulties.¹⁹ Another difficulty is availability of funds for payment for placement in foster homes or group homes. Currently courts may place the child in the custody of the Division of Family Services (DFS), where the DFS through state appropriations pays for foster care. However, by policy, provision of foster care by the Division of Family Services is limited to homeless, dependent, neglected, or abused children. This limitation of services to this category of children is a departure from the division's prior practice, which was based on its statutory statement of purpose that includes working with the predelinquent child (a term that is used to include a status offender). Since juvenile courts, as a rule, simply do not have any significant amount of funds to directly pay for foster care, they must rely upon placement in a relative's home, use of volunteer care, or placement in a facility where payment can be made from funds such as Title XX. "But, in general... our foster care program is far more limited than it should be. It is extremely limited."²⁰

Specifically cited as insufficient in number were foster and group homes for older girls with behavioral difficulties. The effect of this lack of local resources available to the court is that in some instances, the availability of local resources more than the type of behavior determines whether problem girls are committed to the Division of Youth Services (DYS). If committed to the DYS, chances are great that female

status offenders will be institutionalized, since the DYS has proportionately fewer group homes for girls.

Pregnant adolescents are also at a disadvantage. Rural areas reportedly have no facilities that take care of an unwed mother during pregnancy.²¹ It was reported that the present public assistance programs offer a financial incentive for a very young mother to keep a child, since offering the child for adoption would result in a substantial decrease in public assistance for the mother.

Another group for which there is an apparent lack of facilities is the older child who is sex-abused. Most are too old for foster care. Other programs dealing with that special trauma are not found in communities. As a result, "All too often...the young girls or boys who are sexually abused are in effect made the victims of the juvenile court. There should be some alternative made for them."²²

Services available to juvenile courts may not only be limited, but those available may in fact be inappropriate. Two witnesses commented on this problem stating that juvenile courts when attempting to meet the needs of a juvenile, may simply be forced to choose from what could be considered inappropriate or inadequate. "If we (the court) don't have what a child needs, we have to give them something they don't need..."²³ Another witness stated further that a child may be better off receiving no service than something they don't need. The following analogy was drawn relating particularly to status offenders, and to abused, dependent, or neglected children:

If I go to a doctor with pains in my head and in my chest, and that doctor doesn't have what I need, but he wants to slap a cast on my head or remove my kidney because that's what he knows he can do and that's what he can provide, I think I am going to be worse off than maybe if he left me alone -- better yet if he referred me to somebody who could do something. I would think that one of the things that might be hampering the justice system today, the county, local, state system, is that somehow either they have perpetuated an image of themselves that they are a cureall where they can handle anything that they get, or society has somehow put that unrealistic expectation on them and they are afraid to say, 'No, we can't do anything.' And if they refer that child to a community resource or refer that child to a specialist or refer that child and their family to someone that can really deal with that, and they feel they can't do anything,

or the family or the child refuses to attend, then I think the court has done all that they can do.²⁴

When questioned as to whether this means that the court should just "write that person off", the witness replied that these children in many cases are being hurt rather than helped. An example cited was the commitment to the Division of Youth Services of two twelve year-olds, whose background is as follows: "They started out as neglected children and so they ended up in the court and the court put them in foster homes. They ran from the foster homes. They ended up in institutions. So here are two kids, since they were 5 and 7 years old that have been in the system...I suggest that this is because of their age and because people were afraid to say, 'no, it's not appropriate to be here', and place them in family services or some private or church social service agency and just stay out of the picture."²⁵

Availability and effectiveness of community services affects whether courts take advantage of these services or whether the court attempts to provide the service itself. However, given the financial resources of a juvenile court, it is difficult for the majority of circuits to offer direct services or to create services by contracting with community groups. One witness stated that the failure of social institutions such as schools and mental health facilities to provide services to juveniles involved in juvenile court results in the creation of programs aimed at specific problems. Such services, many times started with federal seed money, are attempts to change the institution itself.²⁶

Three solutions to the problem of lack of residential placements available to the court were suggested to the committee: (1) Change the guidelines or regulations of the Division of Family Services so that they would no longer limit provision of services to homeless, dependent, or neglected children, but would include status offenders. (2) Funds should be appropriated to juvenile courts for purchase of services, especially foster care, or the Division of Family Services should, if monies are available, provide foster care. The expertise of the division in recruiting foster parents, evaluating foster homes, completing home studies, and licensing foster homes should not be overlooked.²⁷ (3) The incentive subsidy program of the Division of Youth Services as outlined in Section 219.040, RSMo 1978, should be appropriately funded by the legislature. Under this program, the division may provide financial subsidies to local units of government for the development of community-based treatment services.²⁸

According to one witness, under the incentive subsidy program local communities would receive some financial assistance from the state to operate programs, yet the state would also save money because it would be spending less on those youngsters than if it were providing residential services.²⁹

With regard to services provided by the Division of Family Services, witnesses complained that Missouri statutes allow this agency to refuse to accept children for social services and care. State law mandates the division to ".....accept for social services and care homeless, dependent or neglected children in all counties where legal custody is vested in the division of family services by the juvenile court; provided that prior to legal custody being vested in the division of family services, the division shall notify the juvenile court that it has adequate facilities and appropriated funds available to care for said child or children..."³⁰

It was felt that since the state now pays 100 percent of foster care for homeless, dependent, neglected children and since the division has experienced a more dramatic increase in the number of children referred to it through the child abuse reporting act, that the pressure to develop an adequate number of foster homes may exceed the division's capacity. One witness suggested this exception be abolished, since in cases where the DFS would not provide services to these children, there would be no other resource available.³¹

Juvenile Court Records

Whether the law with regard to confidentiality of juvenile court proceedings and records should be retained in its present form was the subject of considerable comment at the hearings. In keeping with the concept of the juvenile court as the benevolent figure acting in a parental role, the juvenile laws of almost all states require records of police contacts with juveniles to be confidential, permit juvenile hearings to be closed to the press and the public, and prohibit the subsequent release of records of the proceedings except under carefully circumscribed instances. The rationale is to shield the juvenile's errors from the glare of public scrutiny and to permit him to return to a law abiding life free of the stigma of a record of court involvement. Critics of the confidentiality provisions say that juveniles are not protected by the law, and that it provides a shield for courts to operate without being accountable to the public.

Missouri's confidentiality provisions are contained in three different sections of the juvenile code. Section 211.171 excludes the general public from attendance at hearings of the juvenile court, and admits only such persons "as have a direct interest in the case or in the work of the court". Section 211.271 makes all evidence given in a juvenile proceeding inadmissible in any other kind of judicial proceedings, whether civil or criminal. Finally, Section 211.321 permits the release of law enforcement records concerning juveniles and records of juvenile court proceedings, including social records, only upon order of the court to "persons having a legitimate interest therein".

A number of witnesses favored permitting opening juvenile court proceedings in some cases. Some argued that repeat juvenile offenders, or those guilty of felony type offenses or of physical injury to others should not get the benefit of the confidentiality provisions, because they have shown themselves undeserving, the community has an interest in being informed of potentially dangerous citizens, and disclosure may serve as a deterrent to the child and promote parental accountability.³²

Representative Jack Buechner appeared before the subcommittee to propose an amendment to the laws which would make certain juvenile records available for purposes of sentencing in a subsequent criminal proceeding. Under the present law, juvenile records are not to be used for any purpose in a subsequent criminal proceeding. The amendment proposes that the records of juveniles adjudicated guilty of such offenses as rape, kidnapping, robbery, murder, arson, or other acts involving the threat of serious bodily harm, be kept in a separate file which would be available to a sentencing judge in a subsequent criminal proceeding. Some individuals establish a pattern of violent conduct which begins at an early age, and evidence of such conduct is certainly relevant to determining the appropriate sentence. Courts do often obtain this information under the existing law, but by resorting to questionable methods such as inducing the juvenile to sign a waiver. There was testimony that in some circuits the judges had decided en banc to make juvenile records available for sentencing in the adult court, and the authority for doing this was questioned.³³

Some witnesses felt the confidentiality law benefitted the juvenile courts more than it did the child. The identity of the child involved in juvenile court, particularly in the smaller communities, is easily ascertained in spite of the best attempts at secrecy. Yet the law prohibits public knowledge and scrutiny of the operations of the

court. The court can by order release records, but there is no mechanism to permit the child to have open hearings. It was recommended that the code be amended to permit the child and his attorney to open the proceedings if they believe this would be in their best interests.³⁴

Some concern was expressed that the prohibition of media coverage of most juvenile court activities is not in the best interests of the public. Juvenile courts have construed the confidentiality provisions to ban photographs of foster parents of neglected children, and to prohibit interviews by juvenile officers with the press except by permission of the judge.³⁵

Dean Askeland, Director of Juvenile Court Services in Kansas City, recommended that the code be modified to provide that upon certification to adult criminal courts all arrests, referrals, and dispositional records be made available to the prosecutor's office and the criminal court.

Members of the press, it was alleged, rarely fall within that category of persons "having a legitimate interest" and entitled to a court order waiving the confidentiality provisions.

The confidentiality provisions should be made more specific and strict, the subcommittees were told in Kansas City, to more completely protect a juvenile. Employers often obtain access to records by requesting a juvenile to sign a waiver. It was urged that Missouri adopt a standard promulgated by the American Bar Association which would not permit a person to consent to the examination of his juvenile records.³⁶

A court may order the destruction of a juvenile's records, including social histories, and order the official court files and peace officer's records to be sealed. This is done after a request by the child or his representative, or upon the motion of the court, after the child has reached his seventeenth birthday.³⁷ It was suggested that records be sealed as a matter of course, rather than only at some party's motion.³⁸

CHAPTER 5. POST-DISPOSITION

Probation

Under Missouri law a juvenile adjudicated under sections describing abused, dependent or neglected children; children whose behavior, environment, or associations are harmful to themselves or to the welfare of others; or juveniles who have violated a state law or a municipal ordinance, may be placed on probation with such terms as the court stipulates and shall be subject to the rules of supervision established by the court.¹ Terms may include among others school attendance; adherence to a curfew; participation in a community program or obtaining services such as counseling, job training, or vocational education; or simply, a prohibition against cavorting with certain adults or other juveniles.

Since probation is a court function, supervision of the probationers is a duty of court staff. In Missouri's juvenile courts, the juvenile officer is, in addition to his many other roles, assigned this task. Court spokesmen from small circuits complained that probation caseloads are too large and as a result, juveniles on probation receive little or no supervision. A further difficulty that a representative of a non-metropolitan circuit complained of was that juvenile officers aren't trained for counseling, and that much of a juvenile officer's probation caseload involves counseling juveniles.² The effect of lack of supervision and effective counseling is that little change in behavior can be achieved. A juvenile officer in many instances merely monitors a probationer's activities, a practice that may result in further court intervention for violation of a term of probation.

School attendance is frequently mandated as a term of probation in cases of school truancy. School officials who testified before the committee, complained that required attendance became a punishment.³ They were also concerned that the schools became responsible for monitoring whether in fact that probationer regularly attended school. The problems of having disruptive students under court order to attend school was also called to the subcommittees' attention.⁴ School officials were also concerned about courts ordering 16 year olds to attend school, since by law juveniles, upon reaching age 16, are no longer required to attend school.⁵

Court-ordered Counseling and Commitment
to the Department of Mental Health

Juvenile courts often require the use of community resources by juveniles under their jurisdiction. In many instances, the court will require that the juvenile seek counseling at a community mental health center or it may require that a juvenile report to the juvenile court to receive counseling from a mental health worker who has an office in the court facility. The committee heard comments concerning the availability of mental health services for court-ordered counseling. Specifically, it was pointed out that overburdened community counseling centers resulted in a lack of services immediately available to juveniles. An incident called to the committee's attention involved a juvenile whose mother, in following a court directive to seek counseling or testing and evaluation for her son, had to accept an appointment that involved a delay of about three months before the juvenile could be seen. However, before the time arrived for the first session at the mental health center, the juvenile who was "high on LSD" was apprehended by the police for burglary. The original hearing was in early November, 1977 and the boy wasn't scheduled to be seen until the latter part of January, 1978. After he was taken into custody, it was reported that the court attempted to have the mental health center expedite seeing the boy. This effort succeeded in moving up the appointment by four days, leaving three or four weeks before they would see the boy. As a result, the court went to a private psychologist and was able to purchase evaluation services quickly. This incident involved the Mid-Central Mental Health Center, which receives state funds, but is not state operated.⁶

The quality of mental health services delivered to juveniles was further criticized. A mental health worker, who has come to Cass County two afternoons a week for the last three years was found by the court to be ineffective in dealing with juveniles and as a result, the court no longer refers juveniles.⁷ Instances such as this were said to force courts to seek out and negotiate contracts with private psychologists or psychiatrists to provide needed services, although juvenile courts usually have no available funds for purchase of service.

Under Missouri law a juvenile court may order commitment of a juvenile to the care of the Department of Mental Health (DMH) and such an order is binding upon that department. By statute the order of commitment may be written so that the juvenile court will retain jurisdiction. If the court by its order of commitment, retains jurisdiction and the DMH upon examination diagnosis, and observation of the juvenile feels that the child does not require its care, the DMH must petition the committing court to relieve it of custody of the child. The court has twenty (20) days to act on the application, and if it does not act within the deadline, then jurisdiction of the committing court

terminates and the DMH may proceed to make a disposition. The DMH is required to make such disposition as necessary to promote the best welfare of the child. In instances where the court writes the commitment order so that it does not retain jurisdiction, then the DMH may simply release the juvenile or make such other arrangements as it deems necessary, and the juvenile court need not be notified.⁸ In practice, it seems Missouri's juvenile courts generally retain jurisdiction. This practice could be due, at least in part, to the court's lack of faith in the DMH's ability to make decisions about what the "best interests" of the child might be, as evidenced by the numerous criticisms of the DMH's delivery of services to juveniles.

Juvenile courts complained that the DMH in its network of residential services does not provide community-based residential facilities that provide inpatient care for juveniles in a secure setting.⁹ Furthermore, it was stated that the DMH does not provide any long term placement suitable for juveniles other than the Hearnese Youth Center. However, the St. Louis Youth Center, it was noted, offers inpatient services, but the amount of security this facility offers was questioned.

The disparity of services available in different parts of the state was criticized.¹⁰ One juvenile officer pointed out that division of the state into catchment areas or service delivery areas, meant that juveniles requiring inpatient treatment from the Springfield area would be assigned to the Nevada State Hospital, a facility whose program this witness believed to be quite deficient.¹¹

Also, since the DMH assigns juveniles to facilities, the judge has no control over placement once that juvenile is committed to the DMH. This is in contrast to court-ordered diagnosis or evaluation, which will be performed at the facility designated by the court.

The quality of care that juveniles receive while committed to the DMH's custody was a concern to witnesses. One juvenile officer provided the committee with three case histories to demonstrate the department's ineptitude in providing treatment services to Missouri's youth.¹² These three cases were pointed out as examples of many similar cases. (See Appendix C.)

In addition, it was pointed out that the juvenile courts do not receive periodic reports on the progress a juvenile is making while in the custody of the DMH. However, there is nothing in the statute which would mandate regular progress reports to be made to the court. Of course, the court could specify in its order of commitment (in instances when the court retains jurisdiction) that the DMH or its treatment staff report regularly to the court.

When the court maintains jurisdiction, it would seem it shares in the responsibility to oversee a placement and not allow a child to be lost. A public defender related to the committee a case he had recently come across. A juvenile who had been locked up at the age of about eleven remained locked up for a total of about eight years, having been housed in four different DMH facilities. This witness further stated to the committee, "If the purpose is to take the child out of his home or to provide care, it should be determined that that is being¹³ done. If it is not being done, that child should be returned."

Commitment to the Division of Youth Services

The Division of Youth Services by statute has the responsibility to provide care and treatment for juveniles who are committed to it. Under Missouri law, "any child over twelve years of age may be committed to the custody of the division when the juvenile court determines a suitable community based treatment service does not exist, or has proven ineffective; and when the child is adjudicated . . . " for violation of a state law or municipal ordinance, ". . . or is found to have behavior injurious to his welfare or the welfare of others. All children committed to the custody of the division shall be committed for an indeterminate period of time except that the division shall not keep any child beyond his eighteenth birth date."¹⁴ A child who has been diagnosed as having a mental disease or a communicable or contagious disease, may not be committed to the division, unless the division has proper facilities available, authorizes commitment to a specific facility and notifies the court accordingly.¹⁵

Since the passage of SB 170 in 1975, which created the Division of Youth Services and substantially broadened the scope of the state's role in delivery of services to Missouri's youth, the division has moved from providing mostly institutional care to offering a range of services, both residential and nonresidential.

The number of juveniles committed to the division in Fiscal Year 1977 has increased by 39 percent since Fiscal Year 1971. The number of first commitments in Fiscal Year 1971 was 587 and in Fiscal Year 1977, 827 juveniles were committed. Each year the proportion of males to females is more than 3 to 1. (See Table 1, below) When considering the offense of commitment for both Fiscal Years 1976 and 1977, most common for females was a status offense and for males, crimes against property. (See Table 2, below)

Juveniles who are committed to the division undergo classification for assignment to a residential program or a nonresidential service. The division attempts to ensure that between 80 to 90 percent of the youth that are classified are placed in accordance with their classification. By dividing the state into regions, the division attempts to place juveniles in facilities located near the juvenile's

home and within their region of commitment. Two large institutions, two regional youth centers, and sixteen group homes are operated by the division and can house 531 juveniles at any given time. (See Table 3, below) Four park camps afford an additional 84 beds. By division policy, the average length of stay for all facilities is six months.

Nonresidential services of the division include aftercare counseling provided by division staff whose offices are located throughout the state. Aftercare as defined by statute means, ". . . treatment and control of children in the community under the jurisdiction of the division . . ." ¹⁶ Court personnel indicated their dissatisfaction with the DYS' supervision of juveniles on aftercare, and as a result, viewed it as ineffective. It was felt that ineffectiveness of aftercare increased the probability that a juvenile upon returning to his home community, would commit an offense.

The fact that juveniles upon reaching age 18 are no longer permitted by law to be in the custody of the division was criticized. It was recommended that the former law permitting the division to continue custody up to age 21 be reenacted. ¹⁷

Construction of a secure facility to be operated by the Division of Youth Services was viewed by one judge as the greatest need in the state. ¹⁸ Judges testified that when faced with a choice of committing a juvenile who has committed a serious felony to the DYS or with binding the juvenile over to adult court, the latter often is chosen since the DYS offers no secure facilities for older offenders. Also juveniles for whom transfer is being considered typically are in the upper range of juvenile court jurisdiction and hence, ¹⁹ if committed prior to age 17, could only be held up to age 18. A factor taken into account when considering whether to bind over or transfer a juvenile to the court of general jurisdiction, is the extent to which the adult criminal system will be able to help that juvenile, which at least one judge thought was improbable. ²⁰ It was recommended that a regional secure facility for older offenders be reconsidered. The DYS in 1976 completed a feasibility study for a secure regional 40-bed facility and in fact, had architectural plans completed. However, it seems the project was scrapped due to a lack of DYS management support, coupled with the fact that it was never funded.

Two judges were concerned that status offenders they sent to the DYS were not being housed in group homes, but instead were being assigned to DYS institutions such as Boonville and Chillicothe, where more serious young offenders were housed. Status offenders were being committed to the DYS, ²¹ since no other alternative living situations were available.

When the committee questioned the former director of the DYS about separation of serious offenders from status offenders in the

institutions, his response was that it was the intent of DYS to do so, however, it was very hard to play the numbers game and ensure that the practice is adhered to in all cases. He attributed this to the division having no control over the volume or types²² of juveniles being sent to it, since judges make all commitments.

With regard to the types of juveniles sent to the DYS, one division official testified that the division is, "... seeing kids younger and younger being committed. . . Twelve, thirteen, and fourteen year olds with backgrounds that are mainly that of neglect and abuse. . . I think it's just a tragedy." The witness continued with his view that the Division of Youth Services should not have status offenders committed to it and that juveniles should not be incarcerated for actions that are essentially²³ symptomatic of family breakdown or family disorganization.

In considering the role of the DYS with status offenders, it was felt that the division should be the alternative and not the primary social service. Regional facilities controlled locally, but at least in part, state funded were called for by rural judges.²⁴

Review of Commitments or Placements

By statute, the Division of Youth Services is mandated to "... make periodic reexaminations of all children committed to its custody for the purpose of determining whether existing dispositions should be modified or continued. Reexamination shall include a study of all current circumstances of such child's personal and family situation and an evaluation of the progress made by such child since the previous study. Reexamination shall be conducted . . . at intervals not to exceed six months. Reports of the results . . . shall be sent to the child's committing court and to his parents or guardian."²⁵ Similarly, the condition and status of each juvenile committed to the Department of Mental Health as authorized under Section 211.201, RSMo 1978, must be reviewed at least once every one hundred eighty days for the purpose of determining the need for further hospitalization or release.²⁶ However, the DMH is not statutorily required to forward these reports to juvenile courts, although a court could stipulate this in its commitment order. No similar statutory requirement is made of the Division of Family Services. This was viewed as particularly problematic since commitments are for an indeterminate period of time. Similarly, no review is required for placement in private facilities. One witness suggested that if a juvenile is placed in a residential facility such as a foster or group home or a private residential facility, on an indeterminate basis that "... there should be a statutory provision of a review, a mandatory review . . . in six months so that any child who is going to be in a placement beyond six months may, with his attorney, have a hearing in front of a judge . . . Otherwise, they tend to be lost."²⁷ This witness informed the committee that some judges automatically conduct such reviews, feeling that it is important to keep track of what is happening to the child.

TABLE 1

NUMBER OF COMMITMENTS TO DYS
FOR FISCAL YEARS 71-77 ACCORDING TO SEX^a

<u>Fiscal Year</u>	<u>First Commitments</u>		<u>Recommitments</u>		<u>Total</u>
	Male	Female	Male	Female	
1971	432	155	17	1	605
1972	394	134	32	0	560
1973	456	139	37	3	635
1974	603	184	35	3	824
1975	708	188	64	1	961
1976	680	160	44	1	885
1977	650	177	28	2	857

^aStatistics taken from Missouri Division of Youth Services Annual Reports for 1975-1977.

TABLE 2

NUMBER OF COMMITMENTS ACCORDING TO
COMMITTING OFFENSE AND SEX
FOR FISCAL YEARS 76 AND 77^a

<u>Type of Offense</u>	<u>Fiscal Year 76</u>			<u>Fiscal Year 77</u>		
	Male	Female	Total	Male	Female	Total
Crimes Against People	135	16	151	97	11	108
Crimes Against Property	334	30	364	251	20	271
Morals/Decency Crimes	43	27	70	17	9	26
Public Order	16	0	16	14	2	16
Violation of Court						
Supervision	38	5	43	22 ^b	6 ^c	28
Status Offense ^d	126	42	168	93 ^b	107 ^c	200
Not Available ^d	32	41	73	184	24	208
Total	724	161	885	678	179	857

^aThe committing offense is the act for which the juvenile was assigned to the DYS and does not reflect any prior offenses. (Information taken from Missouri Division of Youth Services Annual Report, 1976 and 1977 Jefferson City, Missouri, 1977 and 1978), pp. 19 and 23, respectively.

^bA 1978 summary from the DYS shows that 31 males were committed for status offenses, rather than the 93 reported here.

^cA 1978 summary from the DYS indicates that 88 females were committed for status offenses, rather than the 107 reported here.

^dThe category "not available", ranging from about 8% of the total in FY 76 to 23% of the total in FY 77, represents those cases where the DYS did not have on record the committing offense.

TABLE 3

BED CAPACITY, NUMBER OF COMMITMENTS, AND AVERAGE LENGTH,
OF STAY FOR FISCAL YEARS 1977 AND 1978 ACCORDING TO REGION^a.

Regions

	Southwest		Northwest		Northeast		Southeast		St. Louis	
	FY 77	FY 78	FY 77	FY 78	FY 77	FY 78	FY 77	FY 78	FY 77	FY 78
Number of juveniles committed to DYS										
Males	81	100	194	175	61	81	119	120	223	223
Females	26	24	56	65	14	16	21	25	62	64
Bed capacity of group homes and park camps										
Males	38	38	61	64	40	40	20	20	32	32
Females	18	18	8	8	0	0	10	10	0	10
Bed capacity of four institutions										
Males	--	--	--	--	150	150	65	65	40	40
Females	--	--	120	120	--	--	--	--	--	--
Residential capacity of group homes and park camps ^b										
Males	57	76	85	122	68	80	144	170 ^c	122	144 ^d
Females	27	20	11	16	0	0	17	20	0	20
Residential capacity of four institutions										
Males	--	--	--	--	210	190	--	--	--	--
Females	--	--	156	240	--	--	--	--	--	--
Average length of stay in months for Fiscal Year 1977 to May	8.0		8.8 ^e		7.0 ^f		7.2		7.0	

^aBased on information in the Five Year Plans of the Missouri Division of Youth Services, 1978 and 1979.

^bResidential capacity is the number of children who can be housed in a facility in a year, when taking into account the average length of stay. For Fiscal Year 1979, the average length of stay is figured at 6 months, according to agency policy.

^cThis figure includes Sears Youth Center.

^dThis figure includes Hogan Street Regional Youth Center.

^eFor the Training School for Girls, the average length of stay was 8.9 months.

^fFor the Training School for Boys, the average length of stay was 8.3 months.

CHAPTER 6. POLICY DEVELOPMENT

Research and Development

Collection of statistics relating to the numbers and types of juveniles being processed through Missouri's juvenile courts is the legal responsibility of the Division of Youth Services. Specifically, the DYS is to collect ". . . statistics and information relating to the nature, extent, and cause of, and conditions contributing to the delinquency of children."¹ However, such statistics have not been collected thus far nor is the division preparing to collect this data; instead, the DYS is working with the Supreme Court which is developing a computerized courts information system.

The division prepares annual reports containing summary information about juveniles committed to it for care and treatment. It was called to the subcommittees' attention that some circuit courts do not provide adequate background information on juveniles committed to the division. That is, in some cases, the division cannot determine the² committing offense from the case file and order of commitment. It was felt that in some instances the confidentiality provisions of the juvenile code were an excuse for not releasing adequate background information on juveniles committed to the division. This reluctance on the part of juvenile courts to allow the division access to juvenile records was viewed³ as a reason for the division not gathering statewide statistics.

Only one other source of statewide statistics is available. The Missouri Council on Criminal Justice prepares an annual monitoring survey which reports the number of status offenders in jails and detention facilities by circuit and the number of status offenders⁴ in correctional facilities, both private and public.

The only additional juvenile justice statistics are those published in annual reports of some metropolitan juvenile courts. Prior to 1976 and the passage of the DYS enabling legislation, the Division of Family Services annually published juvenile court statistics, but has since ceased this practice.

In addition to its responsibility for collection of juvenile justice statistics, the division is charged with ". . . evaluating the existence and effectiveness of delinquency prevention and rehabilitation programs. . ." and "maintaining full and complete written records of all studies. . ." It was pointed out to the committee that the division does not have adequate funding to evaluate the effectiveness of different rehabilitation models, including the division's use of positive peer culture. The division has expended its resources⁵ for provision of services to those juveniles committed to it.

Standards

Despite a legislative mandate to the Division of Youth Services to develop " . . . standard setting materials relating to state and local delinquency prevention, control and rehabilitation programs. . .", none have been forthcoming.⁶ At present, the only standards pertaining to Missouri's juvenile justice system relate to several types of juvenile residential facilities. Specifically, licensing rules and regulations and standards have been promulgated by the Division of Family Services for types of foster and group homes and by the Missouri Council on Criminal Justice for community-based group homes and subsidized foster family group homes for delinquent youth.

One witness stated that the state needs uniform juvenile justice standards that would ensure that a child in a rural county could be a recipient of services of the same quality as those available in a larger, metropolitan area. He stated further that rural courts often complain that they do not have money, manpower, or the capability of larger, more populous areas. "But at the same time, they didn't even have standards, weren't even applying the most minimum requirements to the care of kids that did come under their jurisdiction and in some respects, it might be a copout, that we won't do anything of quality, because we are so small."⁷

Planning

Two state agencies are involved in planning for services to youth. Statutorily, the DYS is designated as the state agency having this task.⁸ The division has limited its planning efforts to delivery of residential and nonresidential services for juveniles that are committed to it. By participating in the Juvenile Justice and Delinquency Prevention Act, the Missouri Council on Criminal Justice (MCCJ) also has the responsibility to plan for Missouri's juvenile justice system. The MCCJ's role is limited to planning for distribution of federal funds to Missouri's public and private youth serving agencies.

One of the major problems in Missouri's juvenile justice system repeatedly pointed out is the lack of uniformity in handling juveniles who enter the juvenile justice system. It would seem that adequate planning by either of these agencies could help to point out disparities, which could possibly be resolved, especially those problems not requiring monetary solutions.

Responsibility for planning was afforded the division in its authorizing legislation and was an attempt to resolve this problem identified as early as 1972 by the Task Force on Juvenile Delinquency in its report, "Juvenile Justice in Missouri," and again in 1973 in the Bolton report to "The Joint Interim Committee on Children and Youth, Missouri State Legislature."

Witnesses called to the attention of the committee the disparity in the treatment or handling of juveniles from court to court. It was felt that the quality of justice varies dependent upon any of several factors. One major factor is that juvenile courts are almost entirely locally financed. Due to the differential tax base among counties and the resultant variations in allocations made to juvenile courts, services that are provided to children brought to the attention of courts vary from almost none in rural areas to a multiplicity of services in urban areas. For example, the length of time spent in detention varies from circuit to circuit as does the type of facility in which a juvenile is detained. Also, the disposition of a case is influenced by available facilities. Additional factors which were felt to contribute to inequitable handling of juvenile cases include:

- amount of community interest and involvement in overseeing juvenile court operations and services;
- extent of cooperation between community resources and juvenile courts;
- commitment of the juvenile judge to the operation of the court and provision of services;
- degree that professional staff are utilized;
- availability of community resources and alternative services; and
- extent of court use of existing community services.⁹

CHAPTER 7. LEGISLATIVE INTENT

AND STATE AGENCY COORDINATION

Violation of State Law

Since 1957 Missouri's juvenile code has strictly limited the use of jails for court-ordered detention. Detention, the practice of holding a child pending adjudication or disposition, may by statute occur in a variety of places, including, but not limited to, a juvenile detention home, foster home, or a private group home or institution. Use of an adult jail or other facility for the detention of adults for court-ordered detention, however, is limited to instances when " . . . the child's habits or conduct are such as to constitute a menace to himself or others and then only if he is placed in a room or ward entirely separate from adults confined therein. . . ."¹

In addition, since 1957 Missouri's juvenile code has stated that it is the duty of the county court of each county of the first and second classes and the city of St. Louis to provide a place of detention² for children coming within the provisions of the juvenile code. "Counties of the third and fourth classes within one judicial circuit, shall, upon the written recommendation of the circuit, establish a place of juvenile detention to serve all of the counties within that judicial circuit, . . ."³ The juvenile code says " . . . the place of detention shall be so located and arranged that the child being detained does not come in contact, at any time or in any manner, with adults convicted or under arrest, and the care of the children in detention shall approximate as closely as possible the care of children in good homes."⁴

It was called to the subcommittees' attention that not all first and second class counties provide a place of detention, other than using a county jail. It was reported that in one first class county a bond issue, for construction of a juvenile detention facility, was defeated.⁵ Another deterrent to first and second class counties providing a separate place of detention for juveniles is whether this is mandatory, since the statute does not use the term "shall". Rather, the language in the statute states that " . . . it is the duty of the county court, or where there is no county court, such other authorized

body, : : ."6 One judge stated that some counties have no choice other than to use a county jail, since in many instances funds are not available for both construction and operation of a separate juvenile facility.

The committee heard testimony concerning whether status offenders should be locked up in adult jails. Some felt that it was totally inappropriate, even for runaways.⁸ Another witness argued that if arrangements had been made for the return of a runaway, then the juvenile court should ensure the presence of the juvenile when his parents or guardian arrive to pick up the juvenile. In order to ensure that the juvenile will not run away, he may be detained in a secure facility such as a jail, even if there is an alternative such as a group home or runaway shelter.

Conditions within the jails were criticized as being inhumane. It was felt that the environment surely was not as homelike as possible. Another complaint voiced to the subcommittees concerned the fact that juveniles in detention are not adequately separated from adults incarcerated as law violators. The extent to which state law mandating the separation of adult offenders and juveniles is followed was measured recently. A survey of Missouri's forty-three judicial circuits concerning the extent of juvenile contact with adult offenders in detention facilities and jails in 1976 revealed that twenty-seven circuits rely, at least to some extent, upon adult jails for detention of juveniles. (See Table 4.) Within these circuits, the extent of contact varies as follows:

- thirteen circuits reported that services provided to juveniles in confinement are performed by adult offenders;
- seven circuits indicated that cells are arranged so that juveniles and adult offenders are within sight of each other;
- twenty circuits stated that juveniles are within voice range of adult offenders;
- seventeen circuits do not provide separate hygiene facilities; and
- seven circuits indicated that contact between juveniles and adult offenders is possible in the interview or social service space within the facility.¹⁰

TABLE 4

EXTENT OF JUVENILE CONTACT WITH ADULT OFFENDERS
IN MISSOURI'S JAILS BY CIRCUIT IN 1976^a

Judicial Circuit	Within Sight	Within Voice Range	Services Provided by Adult Offenders	Contact in Interview or Social Service Space
2		X	X	X
4		X		
5			X	
9		X		
11		X	X	X
12			X	
14		X		
15				
17			X	
18				
20 ^b	X			
23		X		
25		X		
26	X	X		
27 ^b		X	X	
28			X	
29	X	X		
30		X	X	
33		X	X	X
34		X		X
35 (b) ^{be}	X	X	X	X
36	X	X	X	X
37		X		
38		X		
39	X	X	X	
40		X		
42	X	X	X	X

^aInformation is taken from the Missouri Juvenile Justice Association's "Annual Report - Status Offenders and Juvenile Detention in Missouri, 1976" (May, 1977), p. 75.

^bThis circuit also reported the use of common meal facilities.

^cThis circuit also reported common exercise and recreation facilities.

Youth Services Delivered by State Agencies

Under Missouri law each state agency is charged with the care and treatment of juveniles exhibiting certain behavioral characteristics. The Division of Youth Services is mandated to provide care and treatment for juveniles adjudicated as law violators or status offenders and committed by a juvenile court.¹¹ By law, the Division of Family Services is to establish, extend and strengthen services for the protection and care of homeless, dependent, and neglected children and children in danger of becoming delinquent. In addition, the Division of Family Services must accept for social services and care homeless, dependent, or neglected children in all counties where legal custody is vested in it by the juvenile court.¹² The Department of Mental Health is responsible for providing services to persons suffering from mental illness or mental retardation.¹³ All children needing special educational services, both handicapped and severely handicapped, are the responsibility of the local school district and the Department of Elementary and Secondary Education.¹⁴

The legislature assigned separate responsibilities to each agency in order to avoid duplication of services, and at the same time described behavior in such a manner so as to enable each agency to create a range of services to serve as many juveniles as possible. However, in creating services for juveniles, each agency has narrowed its responsibility. The effect is that a child in need of services may not be suitable or have the appropriate problem that the agency to which he has been referred or committed deals with or for which it provides services. Creation of service gaps or no services for specific groups of children was pointed out by several witnesses who spoke at the hearings. Specifically, witnesses stated that juveniles exhibiting behaviors under the classifications of emotionally disturbed, marginally retarded, and behaviorally disordered actually "fall between the cracks" and are not readily afforded services or treatment. One judge stated, "The borderline retardate is really a big, big problem. . . the kid who has maybe a 65 or 80 I.Q. that can't make it in school, that continually gets into trouble, that the DYS is really not geared to handle . . . There is no facility really available to handle that retardate."¹⁵

Another witness, a juvenile officer, stated that ". . . the Department of Mental Health should not be limited in responsibility to youngsters who are psychotic, but also should have the responsibility for youngsters who may be emotionally disturbed."¹⁶ Further comments were made about the role of the DMH in delivery of services to retarded juvenile offenders and emotionally disturbed juveniles. It was stated that the DMH

" . . . will argue rightly . . . that they are more designed to work with grossly retarded or psychotic . . . children . . . than they are with the borderline. But, yet, I think the (Department of Mental Health) is more equipped and more professionally capable of working with borderline, working with retarded juvenile offenders, working with emotionally disturbed juvenile offenders, than is the justice system. They have the psychiatrist. They have the psychologist. They have the evaluation diagnosis capability. They have the doctors and the court systems, the justice systems don't, and they shouldn't be dealing with these kids. It is a problem and it is one that I think the Division of Mental Health should be looking at more closely and at what they need to do. Maybe both ends of the state, Kansas City, St. Louis, or the east and west parts of the state need special, you know, youth centers, for kids with emotional problems." ¹⁷

Many juveniles coming to the attention of juvenile courts exhibit a range of problems and as a result, could be appropriately placed in the custody of either the DYS, DMH, or DFS. For example with regard to mentally retarded delinquents, a juvenile officer stated that " . . . the Department of Mental Health is saying he should be a corrections responsibility because he has violated the law, and the correctional facilities are saying, 'no, he really belongs to the Department of Mental Health, because he is retarded.' " ¹⁸

Recognizing the possibility that juveniles may be placed inappropriately by a juvenile court, Missouri statutes provide for transferring custody from one agency to another and for an agency to request relief of custody. One judge complained about the transfer provisions since he has found instances where juveniles are literally passed from agency to agency. ¹⁹

The Division of Youth Services may transfer a child to the DMH, if the DYS finds the juvenile to be epileptic, mentally deficient, or otherwise mentally disordered. In turn, the DMH may, upon proper examination, diagnosis, and observation, decide the the child is not in need of the DMH's services or care, and upon notification of ²⁰ the DYS, the child is to be returned to the custody of the DYS.

Missouri law allows both the DMH and DYS to return custody to the committing court. Provisions relating to the commitment of a juvenile to the DMH state that if upon examination, diagnosis and observation, the DMH feels that the child does not require its

care and treatment, it may simply release the child, if the juvenile court did not retain jurisdiction. If the court retained jurisdiction, the DMH must petition the committing court to relieve the division of custody of the child. If, after twenty days, the committing court has not acted on the application, jurisdiction of the committing court terminates and the DMH may proceed to make a disposition.

Regarding commitments to the DYS, the DYS, ". . . may, at any time, if it finds the child committed to it is in need of care or treatment other than that which it is equipped to provide, apply to the court which committed such child for an order relieving it of custody of such child. The court must make a determination within ten days and the court shall be vested with full power to make such disposition of the child as is authorized by law, including continued commitment. . ."21

Several suggestions were made to the committee for solving the problem of lack of coordinated services for youth that are delivered by Missouri's state agencies, including oversight of the DYS which was given statutory authority to coordinate juvenile programs.²² As a possible solution to this problem, one witness advocated that a single state agency focusing on delivery of services to children be created, drawing together some or all of the various units of state government which presently operate programs specifically for children.²³ Formation of a state commission on children and youth was also recommended. This fifteen member commission, serving without compensation, would bring together, among others, directors or their designees of Missouri's state agencies serving youth and provide a forum for encouraging better coordination of services for children and youth by public and private agencies.²⁴

Licensing, Inspections and Auditing of Private Facilities

Operators of private residential facilities for children advocated changes in the way in which private juvenile facilities are inspected and licensed. There is no uniform or statutorily mandated procedure for licensing of public facilities, they said, while private facilities are subject to multiple inspections. The Division of Family Services is authorized by statute to license private facilities, and conduct inspections and audits. The Division of Youth Services, prior to placement, will conduct its own review. The Department of Mental Health is also authorized by statute to place patients in boarding homes, licensed nursing homes, or family homes, and may inspect to determine the suitability of the home or other facility.²⁵

It was recommended that one agency be given the authority to inspect and license for all of these purposes, rather than requiring private facilities to comply with multiple and duplicative procedures for licensing and auditing.²⁶

CHAPTER 8. RELATED TOPICS

Uniform Child Custody Jurisdiction Act

Several persons appeared before the subcommittees to recommend changes in a law passed during the last legislative session which enacted the Uniform Child Custody Act in essentially the form promulgated by the Commissioners for Uniform State Laws in 1968. However, several amendments were added relating to service of process and personal appearances on the part of children 12 years of age or older, the intent of which was to assure that older children involved in custody or dissolution proceedings received adequate notice, and that their wishes were consulted.

The subcommittees were told that the notice and appearance requirements have proved burdensome in practice. For example, in an uncontested dissolution proceeding a 12 year old child would have to appear in court and perhaps even have a guardian ad litem appointed to receive service of process.¹ The recommendation was that the special notice and appearance provisions relating to 12 years of age or older be repealed.

Interstate Compact on Juveniles

Missouri, like all of its sister states, is a party to the Interstate Compact on Juveniles. The compact provides procedures for interstate rendition of runaway juveniles upon the petition of the parent or custodian, and for the rendition of juveniles on probation or parole in one state who have absconded to a second state. The compact, surprisingly, does not provide a mechanism for rendition of juveniles who are charged with acts of delinquency in Missouri, but are residents of another state and are no longer present in Missouri. Extradition procedures as delineated in the federal constitution, federal laws, and interstate compact agreements are only available for persons charged with crimes, and courts have held that these procedures do not apply to juveniles. This creates an occasional problem, particularly in those counties adjacent to neighboring states.

A number of witnesses urged the enactment of an amendment to the Interstate Compact on Juveniles to fill this procedural gap.² A number of other states have already done this.

Adoption

Several persons appeared before the subcommittees in Kansas City and St. Louis to advocate changing Missouri's laws on sealing of adoption records. Under Section 453.120 of the Missouri code the files and records in adoption proceedings are not open to inspection "except upon an order of the court expressly permitting the same and pursuant to written application". Unauthorized inspection of the records is made a misdemeanor. No standards are provided to guide the judicial discretion in permitting inspection of the adoption records; however, the permission to inspect is rarely given.³ The witnesses cited psychological and psychiatric studies to argue that the wish to know one's origin and the circumstances of the adoption is normal and healthy and that withholding this information is harmful to the development of a sense of identity. It was urged that adoptees over the age of eighteen be permitted access to their records.⁴

Missouri's Participation in the Juvenile Justice and Delinquency Prevention Act

The United States Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDP) in 1974, often described as the most significant federal legislation in the field of juvenile justice. The two major purposes of the law are to encourage states to remove status offenders from detention and correctional facilities and to separate all juveniles from adults in institutions. States participating in the act receive LEAA formula grants which are distributed to state and local governments by the Office of Juvenile Justice and Delinquency Prevention. In return, the state is required to submit a plan which will accomplish, among other things, complete "deinstitutionalization" of status offenders within three years. Deinstitutionalization is defined as the removal of status offenders from detention and correctional institutions, which are in turn defined under the federal guidelines. Missouri's deadline for full compliance with the deinstitutionalization requirement is December, 1980.

To achieve full compliance with the JJDP Act, Missouri would have to accomplish the following: (1) remove all juveniles from jails and other adult facilities, or assure that any juveniles kept in such facilities are completely separated from adults. As noted in the section on detention, this has not yet been completely accomplished. (2) Status offenders and abused, dependent or neglected juveniles would have to be removed from correctional and detention facilities.

The regulations promulgated by the Office of Juvenile Justice and Delinquency Prevention pursuant to congressional authorization were criticized. The latest version of the regulations issued in the summer of 1978 require the designated State Planning Agency in the state to submit a plan to show how the state will, within three years, remove all accused or adjudicated status offenders from juvenile detention or correctional facilities. The plan is to identify any fiscal, legislative, judicial, or administrative obstacles to compliance. Juvenile detention or correctional facilities are one of the following categories of facilities: (1) secure facilities are defined as those facilities with all entrances and exits under the control of the staff; (2) any facility, whether secure or not, which is also used to house adult criminal offenders, accused or convicted; (3) any nonsecure facility which has a capacity for more than twenty juveniles. However, a facility may have a capacity of up to forty juveniles, if it is "community-based", or the facility is used only for nonoffenders or status offenders. Operators of private facilities which admit a mix of different types of juveniles told the subcommittees that they were unreasonably labeled as "correctional facilities" because of their overall size,⁵ even though juveniles were housed in small, separate cottages. Others suggested that the requirement of strict separation of status offenders from delinquents was artificial, because less harm results from mingling status offenders with delinquents guilty of minor offenses, than is caused by mixing the non-serious delinquent with hardened, repeat offenders.⁶ Some of the criticism of the guidelines was directed at regulations which have now been repealed.

Ralph Martin, Chairman of the Juvenile Justice Committee of the Missouri Council on Criminal Justice, appeared before the subcommittees to express his desire to help the judiciary subcommittees in any way possible and to promote coordination between the state planning agency and the legislature with respect to Missouri's participation in the Juvenile Justice and Delinquency Prevention Act.

Missouri has received the following amounts under the JJDP Act: \$200,000 in 1975; \$573,000 in 1976; \$1,024,000 in 1977; and \$1,345,000 in 1978. In 1976 the Missouri Council on Criminal Justice, the designated state planning agency under the JJDP Act, submitted a state plan to the Office of Juvenile Justice and Delinquency Prevention.

Special Educational Services

Missouri law requires public schools to provide to all handicapped and severely handicapped children under the age of twenty-one special educational services sufficient to meet the needs and maximize the capabilities of handicapped and severely handicapped children. Each school district is responsible for either providing special educational services itself or contracting with other school districts or public agencies. If no services can be purchased in this manner, then the state board of education may contract with nonprofit organizations within the state. Per pupil costs of contractual arrangements are the obligation of the district of residence.

Operators of private schools for emotionally disturbed, behavior disordered, and mentally retarded children testified on several issues before the Judiciary Subcommittees on Juvenile Justice. It was felt that standards promulgated by the Department of Elementary and Secondary Education for the purpose of determining whether children are in the category of "handicapped children" were too restrictive and hence, contrary to legislative intent. By statute, the department is authorized to promulgate state standards.⁸ Handicapped children are statutorily defined as "children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services in order to develop their maximum capacity;"⁹

One witness criticized the schools for not being timely in testing of children. It seems that adolescents who are unable to read, have dropped out of school, or who are truant, are not tested in a timely fashion and as a result, the private service provider will not be reimbursed for educational services provided to the child. This witness pointed out a further difficulty that occurs after testing - arranging for juveniles who are in need of special services to receive them. Currently, if private facilities are to be reimbursed by the local school district, which is responsible for per pupil costs of children residing in that district, then the local school must agree that such a service is needed and communicate that in writing to the state Department of Elementary and Secondary Education. Delays from six months to four years were reported involving major school districts in Kansas City. This witness suggested that the step of involving the local school district be eliminated so that a private school could deal directly with the state regarding both funding and whether the juvenile qualifies for payment. The manner in which

474 funds are made available in the educational system leads to problems, according to this witness. He stated, "Money comes off the top of the foundation. Whatever is left, after all the money has been appropriated for the handicapped kids, then goes to the regular student body. . . There is going to be some incentive to try to keep that handicapped census at a minimum . . ."10

NOTES

Chapter 1

1 James F. Walsh and Fred F. Schoenlaub, "The Juvenile Court", The Missouri Bar, Chapter 19 (1978), p.19-6.

2 Section 211.011, RSMo 1978.

3 Section 600.073, RSMo 1978.

Chapter 2

1 Section 219.016, RSMo 1978.

2 Fred McDaniel, former Director, Division of Youth Services, Jefferson City organizational meeting.

3 Judge Gary Black and Judge Stanley Murphy, Circuit Judges, 24th Judicial Circuit, interview at Farmington, August 25, 1978.

4 Karen Curls, Kansas City Council on Crime Prevention, at Kansas City hearing.

5 Andrew Rutherford and Robert McDermott, National Evaluation Program Phase I Summary Report Juvenile Diversion (U.S. Department of Justice, Law Enforcement Assistance Administration, 1976), pp. 4-6 and 38-42.

6 Joe Simanek, Attorney for Legal Aid, Kansas City, at Kansas City hearing.

7 Fred McDaniel, at Jefferson City organizational meeting.

8 P.L. 93-415 and 1977 Amendments, P.L. 95-115.

9 Section 167.161, RSMo 1978.

10 Eugene McCane, Principal, Dexter High School, at Cape Girardeau hearing.

11 Goss v. Lopez, 419 U.S. 565 (1975).

12 Eugene McCane, Principal, Dexter Senior High, at Cape Girardeau hearing.

13 Bernard Powell, President, Social Action Committee of Twenty, Inc., Kansas City, at Kansas City hearing.

¹⁴Gilbert Long, retired Director of Juvenile Court Services, Circuits 23 and 24, DeSoto, at Cape Girardeau hearing.

¹⁵3rd Circuit, Home-School Coordinator, \$10,117; 43rd Circuit, Home-School Coordinator, \$5,808; 32nd Circuit, Police-Court-School Coordinator \$14,505; Hannibal, School-Court-Community Coordinator, \$5,000; 14th Circuit, School-Court-Community Coordinator, \$6,000; 41st Circuit, School-Court-Community Coordinator, \$6,000.

Chapter 3

¹Mo. Const. Art. 5, Section 28.

²Douglas Hamilton, Attorney, Joplin, at Springfield hearing.

³David B. Woodruff, Director of Court Services, Juvenile Court of Greene County, at Springfield hearing.

⁴Judge Ninian Edwards, Circuit Judge, 21st Judicial Circuit, at St. Louis hearing.

⁵Section 211.393, RSMo 1978.

⁶David W. Sirinek, Director of Court Services, Clay County Juvenile Court, at Kansas City hearing; Lawrence A. Hall, St. Charles County Crime Forum, letter of November 15, 1978.

⁷Section 211.401, RSMo 1978.

⁸William M. Chapman and Thomas B. Aaby, Attorneys, Bootheel Area Legal Assistance Program, letter of November 15, 1978 and Joe Simanek, Attorney, Legal Aid, Kansas City, at Kansas City hearing.

⁹Judge Don W. Kennedy, Circuit Judge, 28th Judicial Circuit, letter of November 6, 1978.

¹⁰Judge Dean Whipple, Circuit Judge of Division II, 26th Judicial Circuit, at Springfield hearing.

¹¹Michael Crist, Missouri Delta Ecumenical Ministry, Hayti, at Cape Girardeau hearing.

¹²Section 211.081, RSMo 1978.

¹³Section 211.131, RSMo 1978.

¹⁴Rule 111.01, "Supreme Court of Missouri Rules of Practice and Procedure in Juvenile Courts," (hereinafter referred to as "Supreme Court Rules.")

¹⁵Section 211.131, RSMo 1978.

¹⁶Richard D. Ruddle, Police Juvenile Specialist, University of Missouri Public Safety Program, letter of December 14, 1978.

¹⁷Professor Jessie Goldner, Law Professor and Attorney, American Civil Liberties Union, St. Louis, at St. Louis hearing.

¹⁸John Varvaro, Regional Administrator, Northwest Region Division of Youth Services, at Kansas City hearing.

¹⁹Patricia Connell, Staff Attorney, National Center for Youth Law, St. Louis, at St. Louis hearing.

²⁰Steve Dorn, Juvenile Officer, 26th Judicial Circuit, Camdenton; at Springfield hearing.

²¹Judge G. Kenneth Elliott, Circuit Judge of the Juvenile Court for Clay County, 7th Judicial Circuit, at Kansas City hearing.

²²John Varvaro, Regional Administrator, Northwest Region, Division of Youth Services, at Kansas City hearing.

²³Judge Ninian Edwards, Circuit Judge, 21st Judicial Circuit, at St. Louis hearing.

²⁴David B. Woodruff, Director of Court Services, Greene County Juvenile Court, at Springfield hearing.

²⁵David B. Woodruff, at Springfield hearing.

²⁶Sections 210.110-165, and 207.020, RSMo 1978.

²⁷Judy Pierson, Acting Executive Director, Youth Emergency Services, University City, at St. Louis hearing; Karlene Bright, First Vice-President, Missouri Child Care Association, at Springfield hearing.

²⁸John Varvaro, Regional Administrator, Northwest Region, Division of Youth Services, at Kansas City hearing.

²⁹Joe Simanek, Attorney, Legal Aid, Kansas City, at Kansas City hearing.

³⁰Roger Wall, Director, Juvenile Public Defense Unit, Jackson County Public Defender's Office, at Kansas City hearing.

³¹Judge Ninian Edwards, Circuit Judge, 21st Judicial Circuit, St. Louis County, at St. Louis hearing.

³²Roger Wall, Director, Juvenile Public Defense Unit, Jackson County Public Defender's Office, at Kansas City hearing.

³³Section 211.151, RSMo 1978.

³⁴David Howard, Acting Director, National Center for Youth Law, St. Louis, at St. Louis hearing; Doug Hamilton, Attorney, Joplin, at Springfield hearing; Gilbert Long, retired Director, Juvenile Court Services, Circuits 23 and 24, DeSoto, at Cape Girardeau hearing.

³⁵Steve Dorn, Juvenile Officer, 26th Judicial Circuit, Camdenton, at Springfield hearing.

³⁶Judge Stanley Grimm, Circuit Judge of the Juvenile Court, 32nd Judicial Circuit, at Cape Girardeau hearing.

³⁷Karlene Bright, First Vice-President, Missouri Child Care Association, at Springfield hearing; Gilbert Long, retired Director, Juvenile Court Services, Circuits 23 and 24, at Cape Girardeau.

³⁸Section 211.331, RSMo 1978.

³⁹Michael Lyons, Managing Attorney, Legal Services of Eastern Missouri, St. Charles, at St. Louis hearing; Douglas Hamilton, Attorney, Joplin, at Springfield hearing.

⁴⁰Section 211.141, RSMo 1978.

⁴¹Rule 111.06, "Supreme Court Rules."

⁴²Michael Lyons, Managing Attorney, Legal Services of Eastern Missouri at St. Charles, at St. Louis hearing; Judge Stanley Grimm, Circuit Judge of the Juvenile Court, 32nd Judicial Circuit, at Cape Girardeau hearing.

⁴³David Howard, Acting Director, National Center for Youth Law, St. Louis, at St. Louis hearing.

⁴⁴Michael Lyons, Managing Attorney, Legal Services of Eastern Missouri, St. Charles, at St. Louis hearing.

⁴⁵Judge Stanley Grimm, Circuit Judge of the Juvenile Court, 32nd Judicial Circuit, at Cape Girardeau hearing.

⁴⁶Roger Wall, Director, Juvenile Public Defense Unit, Jackson County Public Defender's Office, at Kansas City hearing.

⁴⁷Section 211.211, RSMo 1978.

⁴⁸In re Gault, 387 U.S. 1 1967 and Kent v. United States, 383 U.S. 541 1966.

⁴⁹Rule 116.01, "Supreme Court Rules."

⁵⁰Rules 111.05 and 116.01, "Supreme Court Rules."

⁵¹Rule 116, "Supreme Court Rules."

⁵²Judy Cromwell, Attorney, St. Louis, at St. Louis hearing.

⁵³Betty Pace, Attorney, Springfield, at Springfield hearing.

⁵⁴Michael Lyons, Managing Attorney, Legal Services of Eastern Missouri, St. Charles, at St. Louis hearing.

⁵⁵Michael Lyons, at St. Louis hearing; Judy Cromwell, Attorney, St. Louis, at St. Louis hearing.

⁵⁶Judge Stanley Grimm, Circuit Judge of the Juvenile Court, 32nd Judicial Circuit, at Cape Girardeau hearing.

⁵⁷Gary Robbins, Public Defender, 32nd Judicial Circuit, at Cape Girardeau hearing.

Chapter 4

¹Section 211.181, RSMo 1978.

²Section 211.161, RSMo 1978.

³Only six of the state facilities billed counties in Fiscal Year 1978 for diagnostic services, and no facility received payments from any of the thirty-six counties. Devon J. Hardy, Coordinator of Children and Youth Programs, Department of Mental Health, in letter of February 8, 1978 and interview at Jefferson City, December 12, 1978.

⁴Judge Ninian Edwards, Circuit Judge, 21st Judicial Circuit, at St. Louis hearing.

⁵Robert H. Belland, Juvenile Officer, 17th Judicial Circuit, Cass and Johnson Counties, at Kansas City hearing; Solomon Alfe, M.D., and Walter Ricci, M.D., Program Director and Superintendent, respectively, Western Missouri Mental Health Center, letter of October 26, 1977 to Judge Robert G. Russell, Circuit Judge, 17th Judicial Circuit.

⁶John Varvaro, Regional Administrator, Northwest Region, Division of Youth Services, at Kansas City hearing.

⁷Kenneth Hensiek, Chief Juvenile Officer, St. Louis County Juvenile Court, 21st Judicial Circuit, at St. Louis hearing.

⁸Judge Dean Whipple, Circuit Judge of Division II, 26th Judicial Circuit, at Springfield hearing.

⁹Robert H. Belland, Juvenile Officer, 17th Judicial Circuit, at Kansas City hearing.

- ¹⁰Robert H. Belland, at Kansas City hearing.
- ¹¹Judge Dean Whipple, Circuit Judge of Division II, 26th Judicial Circuit, at Springfield hearing.
- ¹²Robert Branom, Director of Court Services, St. Louis County Juvenile Court, at St. Louis hearing.
- ¹³Section 537.045, RSMo 1978.
- ¹⁴Representative Kaye Steinmetz, State Representative, 57th District, Florissant, letter of November 26, 1978.
- ¹⁵Dr. Lee J. Orth, Superintendent, Willard School District, Greene County, at Springfield hearing.
- ¹⁶Section 211.231, RSMo 1978.
- ¹⁷Judge G. Kenneth Elliott, Circuit Judge of the Juvenile Court for Clay County, 7th Judicial Circuit, at Kansas City hearing.
- ¹⁸Judge Ninian Edwards, Circuit Judge, 21st Judicial Circuit, St. Louis County, at St. Louis hearing.
- ¹⁹David B. Woodruff, Director of Court Services, Greene County Juvenile Court, 31st Judicial Circuit, at Springfield hearing.
- ²⁰David B. Woodruff, at Springfield hearing.
- ²¹Judge Stanley Grimm, Circuit Judge of the Juvenile Court, 32nd Judicial Circuit, at Cape Girardeau hearing.
- ²²Joe Simanek, Attorney, Legal Aid, Kansas City, at Kansas City hearing.
- ²³Judge G. Kenneth Elliott, Circuit Judge of the Juvenile Court for Clay County, 7th Judicial Circuit, at Kansas City hearing.
- ²⁴John Varvaro, Regional Administrator, Northwest Region, Division of Youth Services, at Kansas City hearing.
- ²⁵John Varvaro, at Kansas City hearing.
- ²⁶Jim Radford, Executive Director, Providence Program, Inc., St. Louis, at St. Louis hearing.
- ²⁷David B. Woodruff, Director of Court Services, Greene County Juvenile Court, 31st Judicial Circuit, at Springfield hearing.
- ²⁸D. Dean Askeland, Director of Court Services, Jackson County Juvenile Court, 16th Judicial Circuit, at Kansas City hearing.
- ²⁹D. Dean Askeland, at Kansas City hearing.

³⁰Section 207.020, RSMo 1978.

³¹D. Dean Askeland, at Kansas City hearing.

³²Lawrence Hall and Gerald Matlock, St. Charles County Crime Forum, at St. Louis hearing.

³³Roger Wall, Director, Juvenile Public Defense Unit, Jackson County Public Defender's Office, at Kansas City hearing.

³⁴Jessie Goldner, Professor of Law and Attorney, American Civil Liberties Union, St. Louis, at St. Louis hearing and Judy Cromwell, Attorney, St. Louis, at St. Louis hearing.

³⁵Betsy Bruce, Women in Communications, St. Louis, at St. Louis hearing.

³⁶Roger Wall, Director, Juvenile Public Defense Unit, Jackson County Public Defender's Office, at Kansas City hearing.

³⁷Section 211.321, RSMo 1978.

³⁸Roger Wall, at Kansas City hearing.

Chapter 5

¹Section 211.181, RSMo 1978, and Rule 128.14, "Supreme Court Rules."

²Andrew Zemcuznikov, Juvenile Officer, 24th Judicial Circuit, interview at Farmington, August 25, 1978.

³Dr. J. A. Kinder, Executive Secretary, Missouri State Teachers Association, letter of June 14, 1978.

⁴Dr. Arthur L. Mallory, Commissioner, Department of Elementary and Secondary Education, letter of June 21, 1978.

⁵Section 167.031, RSMo 1978.

⁶Robert H. Belland, Juvenile Officer, 17th Judicial Circuit Cass and Johnson Counties, at Kansas City hearing.

⁷Robert H. Belland, at Kansas City hearing.

⁸Section 211.201, RSMo 1978.

⁹D. Dean Askeland, Director of Court Services, Jackson County Juvenile Court, 16th Judicial Circuit, at Kansas City hearing.

¹⁰ Kenneth Hensiek, Chief Juvenile Officer, St. Louis County Juvenile Court, 21st Judicial Circuit, at St. Louis hearing.

¹¹ David B. Woodruff, Director of Court Services, Greene County Juvenile Court, 31st Judicial Circuit, at Springfield hearing.

¹² David W. Sirinek, Juvenile Officer, 7th Judicial Circuit, Clay County, at Kansas City hearing.

¹³ Joe Simanek, Attorney, Legal Aid, Kansas City, at Kansas City hearing.

¹⁴ Section 219.021 (1), RSMo 1978.

¹⁵ Section 219.021 (2), RSMo 1978.

¹⁶ Section 219.011, RSMo 1978.

¹⁷ Gilbert Long, retired, Director of Juvenile Court Services, Circuits 23 and 24, at Cape Girardeau hearing.

¹⁸ Judge G. Kenneth Elliott, Circuit Judge of the Juvenile Court for Clay County, 7th Judicial Circuit, at Kansas City hearing.

¹⁹ Judge Ninian Edwards, Circuit Judge, 21st Judicial Circuit, St. Louis County, at St. Louis hearing.

²⁰ Judge Ninian Edwards, at St. Louis hearing.

²¹ Judge Gary Black and Judge Stanley Murphy, Circuit Judges, 24th Judicial Circuit, interview at Farmington, August 25, 1978.

²² Fred McDaniel, former Director, Division of Youth Services, at Jefferson City organizational meeting.

²³ John Varvaro, Regional Administrator, Northwest Region, Division of Youth Services, at Kansas City hearing.

²⁴ Judge Gary Black and Judge Stanley Murphy, Circuit Judges, 24th Judicial Circuit, interview at Farmington, August 25, 1978.

²⁵ Section 219.021, RSMo 1978.

²⁶ Section 202.120, RSMo 1978.

²⁷ Judy Cromwell, Attorney, St. Louis, at St. Louis hearing.

CHAPTER 6

¹Section 219.016, RSMo 1978.

²Missouri Division of Youth Services, Annual Reports, 1976 and 1977, pages 19 and 23, respectively.

³Fred McDaniel, former Director, Division of Youth Services, interview at Jefferson City, June 5, 1978.

⁴Prior to 1977 this information did not include private agencies and the definition of the term "status offender" has varied.

⁵Fred McDaniel, interview at Jefferson City, June 5, 1978.

⁶Section 219.016 (2), RSMo 1978.

⁷John Varvaro, Regional Administrator, Northwest Region, Division of Youth Services, at Kansas City hearing.

⁸Section 219.016, RSMo 1978.

⁹David Howard, Acting Director, National Center for Youth Law, St. Louis, interview at St. Louis, June 8, 1978.

CHAPTER 7

¹Section 211.151, RSMo 1978.

²Section 211.331, RSMo 1978.

³Section 211.341, RSMo 1978.

⁴Section 211.331, RSMo 1978.

⁵Michael Lyons, Managing Attorney, Legal Services of Eastern Missouri, St. Charles County, at St. Louis hearing.

⁶Section 211.331, RSMo 1978.

⁷Judge Stanley Grimm, Circuit Judge of the Juvenile Court, 32nd Judicial Circuit, at Cape Girardeau hearing.

⁸Patricia Connell, Staff Attorney, National Center for Youth Law, St. Louis, in statement of November 21, 1978; Sue Schneider, Director, Youth in Need, St. Charles, interview at Jefferson City, June 28, 1978.

⁹ Roger Wall, Director of Juvenile Public Defense Unit, Jackson County Public Defender's Office, at Kansas City hearing; Michael Lyons, Legal Services of Eastern Missouri, St. Charles County, at St. Louis hearing.

¹⁰ Missouri Juvenile Justice Association. Annual Report - Status Offenders and Juvenile Detention in Missouri, 1976. (May, 1977), p. 75.

¹¹ Section 219.021, RSMo 1978.

¹² Section 207.020, RSMo 1978.

¹³ Section 202.020, RSMo 1978.

¹⁴ Section 162.705, RSMo 1978.

¹⁵ Judge Stanley Grimm, Circuit Judge of the Juvenile Court, 32nd Judicial Circuit, at Cape Girardeau hearing.

¹⁶ D. Dean Askeland, Director of Court Services, Jackson County Juvenile Court, 16th Judicial Circuit, at Kansas City hearing.

¹⁷ John Varvaro, Regional Administrator, Northwest Region, Division of Youth Services, at Kansas City hearing.

¹⁸ D. Dean Askeland, at Kansas City hearing.

¹⁹ Judge Ninian Edwards, Circuit Judge, 21st Judicial Circuit, St. Louis County, at St. Louis hearing.

²⁰ Section 211.201, RSMo 1978.

²¹ Section 219.086, RSMo 1978.

²² Section 219.016, RSMo 1978.

²³ Larry Searcy, Director, DeLaSalle Education Center, Kansas City, at Kansas City hearing.

²⁴ Devon Hardy, Coordinator, Children and Youth Services, Comprehensive Psychiatric Services, Department of Mental Health, interview at Jefferson City, December 12, 1978.

²⁵ Section 202.831, RSMo 1978.

²⁶ Frank Burcham, Associate Director, Presbyterian Home for Children, Farmington, and President, Missouri Child Care Association, at Cape Girardeau hearing.

CHAPTER 8

¹Theodore Smith, Assistant Director of Services, Missouri Bar Association, at Jefferson City organizational meeting; Allan F. Stewart, Attorney, Chairman, Juvenile Law Committee, St. Louis Bar Association, at St. Louis and materials of November 21, 1978.

²David B. Woodruff, Director of Court Services, Greene County Juvenile Court, 31st Judicial Circuit, at Springfield hearing.

³Judge John E. Parrish, Circuit Judge, Division I, 26th Judicial Circuit, in letter, November 29, 1978.

⁴Dr. Sandra Gaddell, Psychologist, Webster Groves and Louis Kopsky, Webster Groves, at St. Louis hearing.

⁵Frank Burcham, Associate Director, Presbyterian Home for Children, Farmington, and President, Missouri Child Care Association, at Cape Girardeau hearing.

⁶Judge G. Kenneth Elliott, Circuit Judge of the Juvenile Court for Clay County, 7th Judicial Circuit, at Kansas City hearing.

⁷Section 162.705, RSMo 1978.

⁸Section 162.685, RSMo 1978.

⁹Section 162.670, RSMo 1978.

¹⁰Larry Searcy, Director, DeLaSalle Education Center, Kansas City, at Kansas City hearing.

APPENDIX A. WITNESSES TESTIFYING AT THE
SUBCOMMITTEES' HEARINGS

Organizational Meeting - August 31, 1978, Jefferson City

THEODORE SMITH	Assistant Director of Services, Missouri Bar Association
FRED McDANIEL	Director, Division of Youth Services, Department of Social Services

Kansas City Hearing - September 29, 1978

JUDGE G. KENNETH ELLIOTT	Circuit Judge of the Juvenile Court, 7th Judicial Circuit, Clay County
DAVID SIRINEK	Director of Court Services, Clay County Juvenile Court, 7th Judicial Circuit
ROGER WALL	Director, Public Defense Unit, Jackson County Public Defender's Office
D. DEAN ASKELAND	Director of Court Services, Jackson County Juvenile Court, 16th Judicial Circuit
BERNARD POWELL	President, Social Action Committee of 20, Inc., Kansas City
ROBERT H. BELLAND	Juvenile Officer, 17th Judicial Circuit, Cass and Johnson Counties
RALPH MARTIN	Chairman, Juvenile Justice Committee, Missouri Council on Criminal Justice
ELBERT ANDERSON	Executive Director, Kansas City Council on Crime Prevention
KAREN CURLS	Staff members, Kansas City Council on Crime Prevention
JOE SIMANEK	Attorney, Legal Aid, Kansas City
DR. ROBERT BLAINE	Principal, Blue Springs Senior High, Blue Springs

APPENDIX A. (Continued)

GIL GEORGEFF	Principal, Blue Springs Junior High, Blue Springs
JERRY SOENDKER	Assistant Principal, Fort Osage Senior High, Independence
BOB WEST	Assistant Principal, Oak Park High, North Kansas City School District
ALLEN DUBOIS	Director, Genesis School, Kansas City
TOM WALSH	Chairman, Juvenile Justice and Delinquency Prevention Subcommittee, Missouri Council on Criminal Justice
JOHN VARVARO	Regional Administrator, Northwest Region, Division of Youth Services, Department of Social Services
LARRY SEARCY	Director, De LaSalle Education Center, Kansas City
ALLEN SOUTH	Attorney, Kansas City
MARSHA LYNN JOHNSON	Kansas City Adult Adoptees Organization, Kansas City
ALMA BAHR	Kansas City Adult Adoptees Organization, Kansas City
MARY WALKER	Kansas City Adult Adoptees Organization, Kansas City

Cape Girardeau Hearing - October 19, 1978

JUDGE STANLEY GRIMM	Circuit Judge of the Juvenile Court, 32nd Judicial Circuit, Bollinger and Cape Girardeau Counties
GARY ROBBINS	Public Defender, 32nd Judicial Circuit, Bollinger and Cape Girardeau Counties
BOBBY WILLIAMS	Chairman, Juvenile Law Committee, League of Women Voters

APPENDIX A. (Continued)

CLARENCE FINLEY	Voluntary Action Center, Cape Girardeau
GILBERT LONG	Retired Director of Juvenile Court Services, 23rd and 24th Judicial Circuits
MICHAEL CRIST	Missouri Delta Ecumenical Ministry, Hayti
ERMA MOTEN	Missouri Delta Ecumenical Ministry, Hayti
EUGENE McCANE	Principal of Dexter High School
FRANK BURCHAM	Associate Director, Presbyterian Home for Children and President, Missouri Child Care Association

St. Louis Hearing - November 21, 1978, Clayton

REP. JACK BUECHNER	State Representative, 94th District, Kirkwood
JUDGE NINIAN M. EDWARDS	Circuit Judge of the Juvenile Court, 21st Judicial Circuit, St. Louis County
ROBERT BRANOM	Director of Court Services, St. Louis County Juvenile Court, 21st Judicial Circuit
WALTON LEMAY	Commissioner, St. Louis County Juvenile Court, 21st Judicial Circuit
SUSAN GOODWIN	Chairman, Juvenile Law Committee, Missouri Bar Association
ALLEN STEWART	Chairman, Juvenile Law Committee, St. Louis Bar Association
KENNETH HENSIEK	Chief Juvenile Officer, St. Louis Juvenile Court, 21st Judicial Circuit
JESSIE GOLDNER	Law Professor and Attorney, American Civil Liberties Union, St. Louis

APPENDIX A. (Continued)

MICHAEL LYONS	Managing Attorney, Legal Services of Eastern Missouri, St. Charles
JUDY CROMWELL	Attorney, 7027 Waterman, St. Louis
GERALD MATLOCK	St. Charles County Crime Forum
LAWRENCE HALL	Chairman, St. Charles County Crime Forum
PATRICIA CONNELL	Staff Attorney, National Center for Youth Law, St. Louis
ROBERT E. CAPP	Administrative Assistant, Hazelwood School District, Florissant
TOM HAMLIN	Director of Safety and Security, Hazelwood School District, Florissant
BETSY BRUCE	Women in Communications, St. Louis
DAVID HOWARD	Acting Director, National Center for Youth Law, St. Louis
CAPTAIN WILLIAM RELLING	Commander, Juvenile Division, St. Louis Metropolitan Police Department
JUDY PIERSON	Acting Executive Director, Youth Emergency Services, University City
GERALD D. DOTY	Juvenile Officer, 10th Judicial Circuit, Marion, Ralls and Monroe Counties
SUE SCHNEIDER	Executive Director, Youth in Need, St. Charles
BRAD STEVENS	Attorney, 818 Olive, St. Louis
JIM RADFORD	Executive Director, Providence Program, Inc., St. Louis
DR. SANDRA GADDELL	Psychologist, 980 North Berry Road, Webster Groves
LOUISE KOPSKY	223 West Cedar, Webster Groves

APPENDIX A. (Continued)

ED AULGER

Police Juvenile Officer, University
City Police Department

Springfield Hearing - December 4, 1978

DOUGLAS M. HAMILTON

Attorney, 610 Pearl, Joplin

BETTY A. PACE

Attorney, 911 Boonville, Springfield

ALTON MANNING

Director of Pupil Services,
Springfield School District

DAVID B. WOODRUFF

Director of Court Services, Greene
County Juvenile Court, 31st Judicial
Circuit

JUDGE DEAN WHIPPLE

Circuit Judge, Division II, 26th Judicial
Circuit, Camden, Laclede, and Miller
Counties

STEVE DORN

Juvenile Officer 26th Judicial Circuit,
Camden

KARLENE BRIGHT

First Vice-President, Missouri Child
Care Association

DR. JOHN HAINES

Prevention Coordinator, CODAC Family
Counseling Center, Springfield

KAREN WHEELER

Clinical Director, CODAC Family
Counseling Center, Springfield

DR. LEE J. ORTH

Superintendent, Willard School District,
Greene County

HERSHEL BLEDSOE

Principal, Senior High, Willard School
District, Greene County

JERRY MILLHOUSER

Principal, Junior High, Willard School
District, Greene County

APPENDIX B. PERSONS INTERVIEWED AND PERSONS AND GROUPS
WHICH SUBMITTED STATEMENTS TO THE SUBCOMMITTEES*

Submitted Statements for Subcommittee Review

REP. RON AUER	State Representative, 99th District, St. Louis. September 18, 1978.
COL. EUGENE J. CAMP	Chief of Police, St. Louis Police Dept. June 16, 1978.
WILLIAM M. CHAPMAN THOMAS B. AABY	Attorneys, Bootheel Area Legal Assistance Program. November 15, 1978.
PATRICIA CONNELL	Staff Attorney, National Center for Youth Law, St. Louis. November 21, 1978.
LAWRENCE A. HALL	Chairman, St. Charles County Crime Forum. November 15, 1978.
FREDERIC HAMBURG, M.D.	Pediatrician, Springfield. December 4, 1978.
JUDGE DON W. KENNEDY	Circuit Judge, 28th Judicial Circuit. November 6, 1978.
REP. JOSEPH S. KENTON	State Representative, 32nd District. September 7, 1978.
DR. J. A. KINDER	Executive Secretary, Missouri State Teachers Association. June 14, 1978.
RALPH S. LEHMAN	Executive Director, Edgewood Children's Center, Webster Groves. November 21, 1978.
DR. ARTHUR L. MALLORY	Commissioner, Department of Elementary and Secondary Education. June 21, 1978.
CHARLES MANN	Executive Director, St. Louis Bureau for Men. June 12, 1978.
RALPH L. MARTIN	Prosecuting Attorney, Jackson County. Chairman, Juvenile Justice Committee of Missouri Council on Criminal Justice. June 22, 1978.

*Many of the persons interviewed have had several discussions with committee members and staff, although only one interview is listed.

APPENDIX B. (continued)

MARY ANN MEDLER	Member, Division of Youth Services' Advisory Board and Juvenile Justice and Delinquency Prevention Subcommittee of Missouri Council on Criminal Justice. July 10, 1978.
NATIONAL ASSOC. FOR SOCIAL WELFARE	Missouri Chapter. Revised Position Paper on Adult and Juvenile Corrections. January, 1979.
JUDGE JOHN E. PARRISH	Circuit Judge, Division I, 26th Judicial Circuit. November 29, 1978.
RICHARD D. RUDDLE	Police Juvenile Specialist, Police-Juvenile Services, Public Safety Program, University of Missouri - Columbia. December 14, 1978.
DAVID W. SIRINEK	Director of Court Services, Clay County Juvenile Justice Center. June 22, 1978.
REP. KAYE STEINMETZ	State Representative, 57th District, Florissant. November 26, 1978.
ALLAN F. STEWART	Attorney, Chairman, Juvenile Law Committee, St. Louis Bar Association. November 21, 1978.
ELSIE VALIER	Member, Division of Youth Services' Advisory Board. December 1, 1978.
JOHN R. VARVARO	Regional Administrator, Northwest Region, Division of Youth Services. October 25, 1978.
MARIE WILLIAMS	Executive Secretary, Governor's Committee for Children and Youth. June 29, 1978.
WILLIAM T. YOUNG	President, Missouri Association for Community Action, Inc. August 21, 1978.

Persons Interviewed

WILLIAM ABRAMS	Court Services and Special Projects, Supreme Court. (at Jefferson City) August 25, 1978.
D. DEAN ASKELAND	Director, Juvenile Court Services, Jackson County. (at Kansas City) June 13, 1978.

APPENDIX B. (continued)

SHELDON BERNSTEIN	Deputy Director, Department of Social Services. (at Jefferson City) June 1, 1978.
JUDGE GARY BLACK	Circuit Judge, 24th Judicial Circuit. (at Farmington) August 25, 1978.
ROBERT H. BRANOM	Director of Court Services, St. Louis County Juvenile Court. (at Clayton) June 7, 1978.
FRANK BURCHAM	Associate Executive Director, Presbyterian Home for Children, Farmington. (at Farmington) August 25, 1978.
JUDGE NINIAN M. EDWARDS	Circuit Judge, 21st Judicial Circuit, (former) Juvenile Judge St. Louis County Juvenile Court. (at Clayton) June 7, 1978.
SUSAN GOODWIN	Hearing Officer, St. Louis County Juvenile Court and Chairman, Juvenile Law Committee of Missouri Bar Association. (at Clayton) June 7, 1978.
SISTER MARY THERESA FOX	Psychiatric Nurse, DePaul Community Health Center, Bridgeton. (at Chicago) August 7, 1978.
DEVON HARDY	Coordinator of Children and Youth Programs, Department of Mental Health. (at Jefferson City) December 12, 1978.
MARGARET HELMS	Director, St. Louis County Division of Family Services. (phone interview) December 13, 1978.
KENNETH HENSIEK	Juvenile Officer, St. Louis County Juvenile Court. (at Clayton) June 7, 1978.
JANE HESS	Director of Court Services and Special Projects, Supreme Court. (at Jefferson City) August, 1978.
DWAIN HOVIS	Deputy Director, Division of Family Services, Department of Social Services. (at Jefferson City) August 11, 1978.
DAVID HOWARD	Acting Director, National Center for Youth Law, St. Louis. (at St. Louis) June 8, 1978.

APPENDIX B. (continued)

RON LARKIN	(former) Deputy Director, Missouri Council on Criminal Justice, Jefferson City. (at Jefferson City) June 2, 1978.
WILBERT LONG	Chief Juvenile Officer, City of St. Louis Juvenile Court. (at St. Louis) June 8, 1978.
KATHY LOYD	Deputy Juvenile Officer, 42nd Judicial Circuit, Des Arc. (at Farmington) August 25, 1978.
LARRY MARTIN	Deputy Director, Division of Family Services, Department of Social Services. (at Jefferson City) November 13, 1978.
FRED McDANIEL	(former) Director, Division of Youth Services, Department of Social Services. (at Jefferson City) June 5, 1978.
JUDGE STANLEY MURPHY	Circuit Judge, 24th Judicial Circuit. (at Farmington) August 25, 1978.
BETTY PATTON	Chief Deputy Juvenile Officer, City of St. Louis Juvenile Court. (at St. Louis) June 8, 1978.
PHYLLIS RESER	(former) Director, Division of Family Services, Department of Social Services. (at Jefferson City) August 2, 1978.
SUE SCHNEIDER	Director, Youth in Need, St. Charles. (at Jefferson City) June 28, 1978.
HAROLD SHOWALTER	Executive Director, Presbyterian Home for Children, Farmington. (at Farmington) August 25, 1978.
MARION SINNETT	Executive Director, Missouri Juvenile Justice Association, Jefferson City. (at Jefferson City) June 2, 1978.
PROFESSOR SPECCA	Professor, School of Law, University of Missouri - KC. (at Kansas City) June 13, 1978.
BOB SZWABO	Acting Director of Court Services, City of St. Louis Juvenile Court. (at St. Louis) June 8, 1978.

APPENDIX B. (continued)

ANNE WALKER	Associate Director, Missouri Child Care Association, Jefferson City. (at Jefferson City) May 26, 1978.
JAMES WALSH	(former) Director, Department of Social Services. (at Jefferson City) September 21, 1978.
ALICE WEATHERS	Program Specialist, Missouri Council on Juvenile Justice, Jefferson City. (at Chicago) August 7, 1978.
JERRY WOLFSKILL	Juvenile Justice Program Chief, Missouri Council on Criminal Justice, Jefferson City. (at Jefferson City) July 25, 1978.
DAVID B. WOODRUFF	Director of Court Services, Greene County Juvenile Court, Springfield. (at Springfield) June 6, 1978.
ANDREW ZEMCUZNIKOV	Juvenile Officer, 24th Judicial Circuit, Farmington. (at Farmington) August 25, 1978.

APPENDIX C. CASE HISTORIES OF THREE JUVENILES
COMMITTED TO THE DEPARTMENT OF MENTAL HEALTH*

Case I

Steve, age 13, was referred to this office in July, 1976, for sexually molesting his younger sister. This behavior had been going on for a number of years and did include sexual intercourse. On July 29, 1977, Steve was committed to the Division of Mental Health and was placed at St. Joseph State Hospital.

On December 22, 1976, he was returned home by Division of Mental Health with follow-up services, in terms of medication monitoring and counseling to be provided by Western Missouri Mental Health Center. What happened next was apparently a dispute between the staff of St. Joseph State Hospital and Western Missouri Mental Health Center over who had responsibility to follow-up. St. Joseph State Hospital said Western Missouri Mental Health Center would counsel and monitor behavior and Western Missouri Mental Health said they would only monitor the medication.

As a result of this foul-up, Steve was returned to the Court on September 1, 1977. He was again charged with having sexual relations with his younger sister. Division of Mental Health was relieved of custody and other plans were made.

Case II

Elaine, age 13, was returned to this office in December, 1977, after reporting that she was being sexually abused by her mother's boyfriend. A petition was filed and heard in January, 1978. As a result, Elaine was made a ward of the court and placed in foster care because her mother would not leave her boyfriend and relative placement could not be arranged.

In March, 1978, it was necessary to amend the previous Court order. Elaine had attempted suicide on two occasions and it was felt that she needed inpatient care. Following a hearing, Elaine was committed to the Division of Mental Health and placed at Western Missouri Mental Health Center. In April, 1978, Elaine was released to her mother, to be returned to the same home where she was abused (the boyfriend was still there). The Division of Mental Health then made application to be relieved of custody.

Case III

Michael is a 12 year old boy who was returned to this office in April, 1976, for being beyond parental control. Following a hearing, Mike was placed at Tri-County Mental Health Center for a

*Names have been changed to protect the identity of these three juveniles.

APPENDIX C. (Continued)

psychiatric examination and evaluation. Based upon the findings of the examination, Mike was committed to the Division of Mental Health in April, 1976.

In August, 1978, the Division of Mental Health made application for release of custody. A hearing was held and it was agreed that Mike remain at St. Joseph State Hospital until arrangements could be made to secure admittance to Boys' Town of Missouri. On October 11, 1978, the order was signed placing Mike at Boys' Town. The main reason the time span was so long was because the Division of Mental Health took so long to fill out some of the required forms.

